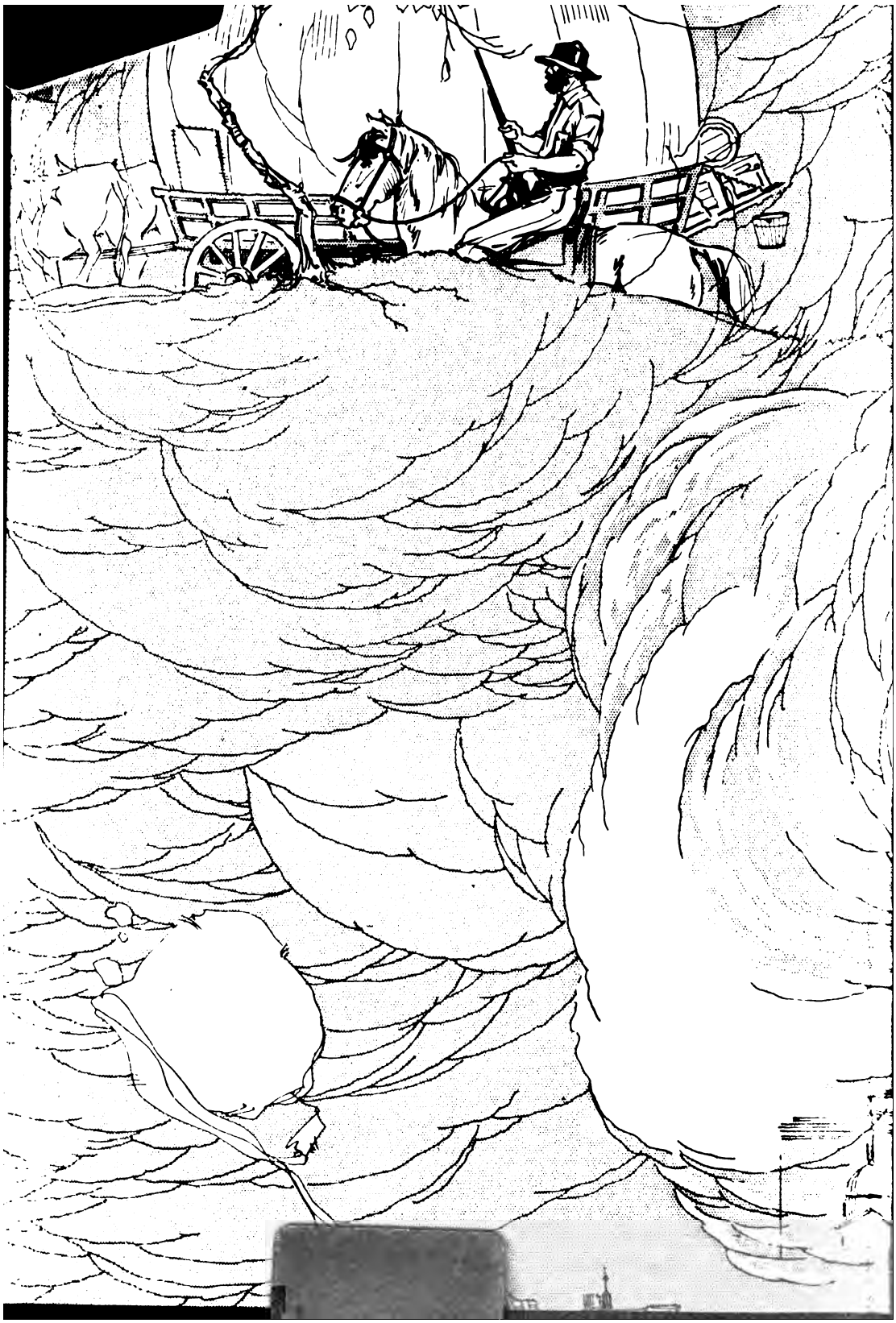

WOODROW WILSON

From a Painting
by George M. Schmidt

HISTORY

OF THE

AMERICAN NATION

By

WILLIAM J. JACKMAN

JACOB H. PATTON
JOHN LORD
THEODORE ROOSEVELT
GEO. F. HOAR
JAMES BRYCE
GROVER CLEVELAND
CHAS. A. DANA
HORACE PORTER
ROSSITER JOHNSON
ROGER SHERMAN
JOHN HAY
HERBERT WELCH
GEO. WM. CURTIS
HENRY W. GRADY
JOHN H. VINCENT
HENRY CABOT LODGE
BENJ. F. TRACY, and Others

Edition de Luxe

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CHICAGO

CONTENTS.

VOLUME VII.

toll on all ships. This settled the question, but it left considerable ill-will against Great Britain.

In the belief that the canal should be opened in an atmosphere of good-will a treaty was made with Colombia by which the United States agreed to pay that country $25,000,000 and also to give it certain rights in the use of the canal for any damages and any grievances that country may have had through our support of Panama at the time of its secession.

In August, 1914, the Cristobal made an initial trip through the Panama Canal. Thirteen hundred and seventeen ocean going vessels passed through the canal the first year, the receipts from tolls aggregating $5,216,149.26. During the first year the canal was closed for many months because of slides of the unsettled earth.

Professor John Bassett Moore resigned as counselor of the State Department, the Hon. Robert Lansing taking his place. Senator William J. Stone, Missouri, at about the same time became chairman of the Foreign Relations Committee, left vacant by the death of Senator Bacon of Georgia.

The award of the Nobel Peace Prize was made to Senator Elihu Root for the year 1910. The prize was not announced until the end of the year 1913. The report of the Norwegian Committee explained the selection of Mr. Root chiefly on the ground of his work in the pacification of the Philippines and Cuba and his handling of the American-Japanese dispute over California.

On August 6, 1914, Mrs. Woodrow Wilson, the president's wife, died. It was a great affliction to the president and it brought a high test of his character, wisdom and moral power. But the compelling force of public duties, unusually pressing at this time, sustained and even helped him greatly.

Japan had prepared another note on the California

situation. It defended the position taken by that government that the land ownership bill violates the Japanese-American treaty. The special arbitration treaty with that government, which would have expired by limitation in July, was renewed on June 28th. Despite the bellicose attitude of jingoes in both countries both governments had maintained an even and mild tone throughout the dispute.

Ex-President Roosevelt had been the subject of malicious and offensive rumors and slander as to his supposed excessive drinking and profanity. A Michigan country editor had given voice to these charges with a persistency worthy a better cause. It was one tangible definite place to strike at these rumors, which cropped up everywhere and were circulated by men who hated the colonel. It happens that Colonel Roosevelt is extremely temperate in every way. The ex-president decided that the best way to meet these charges and put a stop to them was to bring a suit for libel. This he did. The Michigan editor and his counsel decided that they could not go on with the case for lack of evidence and in view of the convincing character of the testimony on behalf of the colonel, the latter's vindication was complete, and he generously waived all damages. A little later in the year the colonel left for South America on a hunting and exploring expedition. He visited a number of the South American countries and was given a great welcome everywhere, cementing the friendships between those nations and this country, whose unofficial representative he was.

Another fight was made this year for the passage of a bill including the literacy test for immigrants. The measure passed both houses and came before the president. The latter held a hearing on the measure in January, 1915. There were mass meetings held throughout the country against the measure. The

CHAPTER CXXII.

1915—1916

PASSING EVENTS, 1915-1916.

The Opening of the Panama Exposition.—The Seamen's Bill. — Postal Savings Bank Report. — Brandeis Appointed to Supreme Court. — Prohibition. — Woman Suffrage.—The Republican Party Nominates Charles Evans Hughes for President.—Democratic Party Renominates the President. — Child Labor Bill. — Self-government for the Philippines.—Electoral Vote.—Popular Vote and Maps.—Anti-strike Bill. — Reports of Departments. — The President's Note to the Belligerent States.

Responding to the touch of a telegraph key by the president the gates of the Panama-Pacific International Exposition swung open at noon February 20th, 1915.

The formal report on the Seamen's bill, long disputed, which abolished arrest and imprisonment for desertion and which had for its purpose safety at sea, was submitted to Congress February 23, 1915. On March 4th the president signed the measure, but all the provisions in the measure did not go into effect until fifteen months later.

The famous libel suit of William Barnes, Jr., of New York, against Colonel Roosevelt began in Syracuse, New York, in April, 1915, and resulted in a complete failure for Barnes to prove his claim that he was libeled. A mass of testimony was brought forward, the main interest of which was the disclosure of politics of ten and fifteen years before.

Nine hundred and eighty-one persons were drowned in July, 1915, when the Eastland capsized in the Chicago river. Over 2,400 had boarded the boat, the vessel having a supposed capacity of 2,500. The

ship was about to leave the wharf, the occasion being an excursion of the Western Electric Company. The ship rolled over on its side in twenty-five feet of water and within five minutes of the time it began to list. Indictments followed as a matter of course, but the blame could not be placed upon anyone.

The Postal Savings Bank showed an increase of $2,150,000 in October, 1915. On October 31st the deposits aggregated $71,500,000 for 552,000 depositors. About 58 per cent of the total number of depositors were born outside of the United States.

President Wilson announced his engagement to Mrs. Norman Galt on October 6th, 1915. The wedding took place on the evening of December 18, 1915.

There were several resignations from the cabinet. William J. Bryan resigned as secretary of state on June 8th, because he could not agree with the president as to the notes sent to Germany, which, in his belief, were leading to war. He believed in peace and arbitration so thoroughly that he felt it incumbent upon himself to give up the secretaryship. Robert Lansing was made secretary of state. Secretary Garrison of the War Department resigned because of a disagreement between the executive and himself as to methods of increasing the army. Newton D. Baker was made secretary of war. In the meantime Attorney-General McReynolds had been appointed to the Supreme Court of the United States, and Thomas Watt Gregory, special assistant, was appointed in his place.

A Philippine Independence bill was recommended to the House on April 7th, 1916. It had already passed the Senate, including the Clarke amendment, to withdraw sovereignty within four years and empowering the president to take steps to institute a free and independent government. Great opposition developed in the House and the bill was defeated. It

did pass a measure that the intention was to grant ultimate independence to the islands, but fixing no time for it.

James J. Hill, foremost railway man in the country, died May 29th, 1916, aged 77 years. He was succeeded by his son, Louis J. Hill, who had been well trained for that position.

The appointment of Louis D. Brandeis to the Supreme Court early in 1916 was received by the country at large with general approval. One of the keen thinkers of the country, he believed absolutely in industrial justice. The appointment was held up in the Senate, much opposition developing. Confirmation was delayed for many weeks. He was confirmed, however, although almost solidly opposed by the Republican senators.

Prohibition has become an important political factor. The Prohibition party has not gained any appreciable strength, but in many states the question of prohibition has become so vital that the old parties have taken definite stands on the questioin. In 1915 the government's revenue from the tax on alcoholic liquors had been cut $2,000,000. Nine more states adopted prohibition in 1916. The decrease in revenue it is estimated for 1916 will be close to $5,000,000. It is predicted that it is only a matter of ten years when national prohibition will prevail.

President Wilson's stand that woman's suffrage was a state matter and not a national one was one with which the Woman's Suffrage organizations almost wholly disagreed. Another attempt made in January, 1915, to pass a bill in the House granting women the right to vote was defeated. Secretary Bryan declared himself in favor of universal suffrage in July of the same year. In Alabama and Connecticut equal suffrage was defeated at the elections. In Delaware progress was made; the question must be

brought up in 1917. Florida rejected a resolution for it, while in Illinois the Supreme Court upheld the victory already gained. Indiana granted limited suffrage. In Iowa the measure passed both houses and was passed by the governor and will be voted on in the fall of 1916. A majority, but not the necessary two-thirds vote, was for it in Maine. Massachusetts defeated the measure at the election of 1915. In Maryland the measure is to go before the people by vote of the Legislature. Minnesota defeated the bill in the Senate. New Jersey and New York defeated the measure at the fall elections. The North Carolina House defeated the amendment and the Senate did the same in North Dakota. In Pennsylvania the popular vote was against it. South Dakota's Upper House defeated the measure for limited suffrage, but the measure goes before the people in 1916. In Tennessee, the bill passed the House; it must still go before the next Legislature and before the people. In Oklahoma the House passed the measure; it needs the approval of the Senate to go before the people. In Texas an equal suffrage bill was reported favorably by the Lower House, but the same body defeated a constitutional amendment resolution. West Virginia will have the measure go before the people at the next election. In Wisconsin the measure failed to pass the Legislature.

A woman's party was launched in Chicago in June. More than 2,000 delegates attended. Theodore Roosevelt came out strongly for suffrage in April. The two candidates for the presidency, President Wilson and Charles Evans Hughes, came out with declarations for suffrage, the president's position being unchanged. He believed thoroughly in it, but felt just as strongly that it was a state matter. Mr. Hughes, however, took the stand that it was a na-

tional matter and he promised to do everything he could to have it passed by Congress, if elected.

At a convention held in Chicago, July, 1916, the Republican party nominated Charles Evans Hughes. The nominee, a member of the United States Supreme Court, had voiced in unmistakable language his desire not to run. It was felt, however, that he would unite both Progressives and Republicans. At St. Louis, a week later, the Democrats renominated President Wilson.

The Senate Interstate Committee ordered the Keating bill reported on April 5th, 1916. The president asked the Senate to give the bill special consideration. The bill bars products of child labor for interstate commerce. The bill had passed the House early in February, but had been held up in the Senate because of much opposition. The Senate passed the bill in August and the president signed the bill September 1st, 1916. With his signature ended a long fight for restriction of child labor.

On August 29th the President signed the bill which dissolved the Philippine Commission in charge of the Islands' affairs since their annexation and set up in its place, the Legislature of two Houses. The members of both of these Houses were elected by the native people. In order to give wider opportunity and desire for self-education in government, the electoral franchise was extended to include all those who spoke and wrote a native dialect. Before the passage of the bill property ownership or the ability to speak and write English or Spanish had been the requirements. The change increased the electoral vote from 250,000 to between 800,000 and 900,000. The Executive Departments, with the exception of that of Public Instruction, were also placed in the hands of the Legislature. The head of this department was to be the Vice Governor, who together with the

Governor General, the members of the Supreme Court and two auditors were the only officials to be appointed by the President of the United States.

The campaign for the presidency finally narrowed down to two main issues. The interest had never been keener for the time was epochal. The slogan of the Democratic party behind Wilson was "he kept us out of war." The adherents of Hughes insisted, however, that Wilson's foreign policy had been at all times a weak one, one of ready submission to the belligerents. Because of that the European powers had committed depredations and had interfered with our rights. They contended that while it was true that Wilson had kept us out of war, it was done at the price of our national honor and the respect which this country had heretofore commanded.

The other issue was the Eight Hour Labor Bill which the Republican party claimed was a surrender to the dictation of the Railway Brotherhoods, and passed as a bait for the labor vote.

Woodrow Wilson was re-elected as President of the United States on November 7th. Not until three days after election day was it established that the Democratic candidate was the winner. The country had shown a surprising independence of party control. Such states as California, Kansas, New Hampshire, Ohio, Utah, had given their electoral vote to Wilson. Minnesota, like California, was in doubt for several days. California was the state which decided the issue and the vote was so close as to keep the country uncertain until the 10th. Wilson carried the state by 3,773. Yet Hiram Johnson, the Governor of the state running on the Republican and Progressive ticket for United States Senator, polled a plurality of over 300,000 over the Democratic candidate.

Below are appended tables and maps showing how the country voted. The country gave 9,116,296

votes to Wilson, 8,547,474 votes to Hughes, about 750,000 votes to Benson, the Socialist candidate, and 225,101 votes to Hanly, the Prohibition candidate. The maps show the change in the political maps as shown by the last four presidential elections.

ELECTORAL VOTE 1916

States	Wilson	Hughes
Alabama	12	..
Arizona	3	..
Arkansas	9	..
California	13	..
Colorado	6	..
Connecticut	..	7
Delaware	..	3
Florida	6	..
Georgia	14	..
Idaho	4	..
Illinois	..	29
Indiana	..	15
Iowa	..	13
Kansas	10	..
Kentucky	13	..
Louisiana	10	..
Maine	..	6
Maryland	8	..
Massachusetts	..	18
Michigan	..	15
Minnesota	..	12
Mississippi	10	..
Missouri	18	..
Montana	4	..
Nebraska	8	..
Nevada	3	..
New Hampshire	4	..
New Jersey	..	14
New Mexico	3	..
New York	..	45

North Carolina	12	..
North Dakota	5	..
Ohio	24	..
Oklahoma	10	..
Oregon	..	5
Pennsylvania	..	38
Rhode Island	..	5
South Carolina	9	..
South Dakota	..	5
Tennessee	12	..
Texas	20	..
Utah	4	..
Vermont	..	4
Virginia	12	..
Washington	7	..
West Virginia	..	8
Wisconsin	..	13
Wyoming	3	..
Total	276	255
Total electoral vote		531
Necessary to choice		266

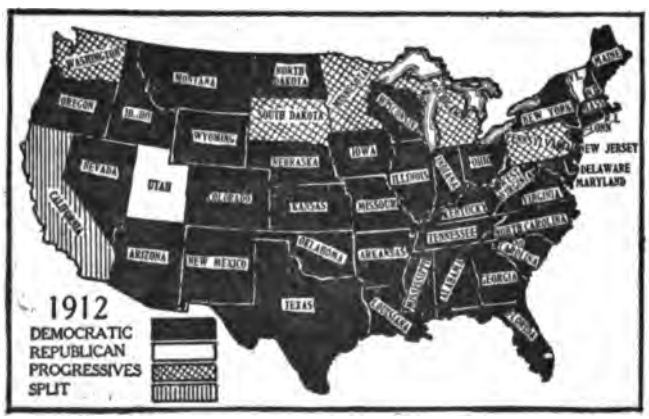
POPULAR VOTE 1916

States	Wilson	Hughes
Alabama	97,778	28,662
Arizona	33,170	20,524
Arkansas	112,186	49,827
California	466,289	462,516
Colorado	178,816	102,308
Connecticut	99,786	106,514
Delaware	24,521	25,794
Florida	56,108	14,611
Georgia	125,831	11,225
Idaho	70,021	56,368
Illinois	950,081	1,152,316
Indiana	324,063	341,005
Iowa	221,699	280,449

Miss Jeanette Rankin ran for Congress as Representative-at-Large from Montana, on the Republican ticket. She was elected and was the first woman to enter Congress. Michigan, Nebraska, South Dakota and Montana became dry by constitutional amendment at the November election.

In December negotiations were practically completed with the Danish government for the purchase of the islands of St. Thomas, St. Croix, and St. John which were in the West Indies, for $25,000,000. They were bought primarily for the purpose of national defense.

The report of Major General Hugh L. Scott, of the Department of War, at the end of 1916, spoke of the fight to be made during the coming year for universal military training. Secretary Redfield of the Department of Commerce drew attention to the great increase of trade; drew attention, too, to the fact that



WILSON, ROOSEVELT, AND TAFT

the average daily wage had increased 137.4 percent from 1854 to 1915. Yet food and other commodities and necessities had increased in cost as well. Secretary Lane reported that homesteaders were taking

up land in rapidly increasing numbers, that the Reclamation Service was carrying on construction work on twenty-four irrigation projects and that the Indian Bureau had conducted a highly successful health campaign. The Secretary of the Treasury, Mr. McAdoo, in his annual report declared that the

WILSON AND HUGHES.

stock of gold in the United States on November 1st was the largest any country ever had ($2,700,136,-976.) He estimated that the Government finances will show a deficit in 1918 of $185,000,000,000 because of expenditures for preparedness.

The end of the year found the President addressing a note to the belligerent nations in Europe suggesting that an early occasion be sought to call out from these nations an avowal of their respective views regarding peace terms. He did not propose peace nor mediation; the note added that the people of the United States stood ready to co-operate when the war was over, to secure the future peace of the world. The Central powers, in replying to the President's note, proposed "an immediate meeting of belligerent states at a neutral place." The reply, how-

ever, made no statement as to war aims or peace terms. The reply of the Entente Allies demanded in the main the following:

Restoration of Belgium, Serbia and Montenegro and indemnities which were due them.

Evacuation of invaded territory in France, Russia and Roumania with just reparation.

Restitution of provinces and territories wrested in the past from the Allies by force or against the will of the populations.

The enfranchisement of populations subject to the bloody tyranny of the Turks and the expulsion of the Ottoman Empire from Europe. The Allies assured the United States Government that they would be glad to co-operate with it after the war to bring about future peace.

CHAPTER CXXIII

1917

WHY AMERICA ENTERED THE WAR

A synopsis of U-boat Warfare—Conditions of transportation of opposing forces—Germany's belief in the value of the Submarine—The U-boats' success—Germany's failure to recognize International law and the laws of Humanity—Action of the President of the United States—Germany promises to curb Submarine activities—Her failure to keep her promises—Germany resumes Submarine Warfare—German Ambassador given his Passports—Russia overthrows the Czar—Preparedness on a Large Scale—Woodrow Wilson inaugurated—New Congress in Session—Turkey severs Diplomatic Relations—Missions from the Allied Countries Arrive—Conscription Day—Negroes in the North—The I. W. W. and Pacifist Propaganda—The Pope's Peace Message—Reply of President Wilson.

Of all importance to America, involving it finally in the great struggle was the sea warfare of the opposing forces. There were many in the United States who believed that England's mighty navy and its supremacy on sea counted for the safety of this country. It cannot be denied that America had little to fear from Germany so long as England's supremacy on the sea was maintained.

Germany's action on sea brought forth, first, strong protests, then warnings, finally the severance of diplomatic relations followed by war itself. There were other reasons for America's final action, German plots and propaganda among these.

The problems of transportation of men, food and supplies could not have been more at variance than it was with the Allies and the Central Powers. Germany's transportation, practically speaking, was wholly on land. All of its fighting fronts could be

reached by land—this meant that it had nothing to fear in the way of loss of men, food and supplies through any attack while being transported. From the French to the Russian, the Macedonian or Mesopotamian fronts, the road of travel was on land.

On the other hand, consider the case of the Allies. For England to reach a fighting front meant the crossing of the sea or channel and this brought the ever present menace of the submarine. She had to cover thousands of miles to reach Archangel and to reach Macedonia or Mesopotamia she had to pass through the Mediterranean, a sea infested with submarines.

Then too, men had to be transported from Australia, New Zealand and Canada and this involved thousands of miles of travel over sea. Also, supplies from the American markets had to come through a zone which the Germans guarded closely with their undersea vessels.

France, too, in sending troops to the East, had to pass through the danger zones of the Mediterranean and Italy surrounded on one side by the enemy and on all other sides by the sea had a big problem to face to obtain its necessary food and other supplies.

The submarine at one time was Germany's strongest asset and this statement is made with a full appreciation of Germany's progress and victories on land. Until the allies learned to overcome some of its dangers, the submarine menace made the situation extremely grave. For the ship tonnage of the Allies was being destroyed faster than it could be replaced.

At the same time it was through the very submarine that Germany brought about its defeat.

Briefly, we recount some of the submarine activities. A U-Boat destroyed the Path-finder, a British

light cruiser on September 5, 1914 and on September 22, a submarine sank the armored cruiser Aboukir in the North Sea. Two other ships of the same class rushed to the aid of the doomed vessel and waiting submarines sank both of these vessels. It was a lesson to the British and thereafter no ship was to go to the rescue of a torpedoed craft. The horrors of war were being truly magnified.

Such losses, however, became rarer as naval experts learned of ways to meet the danger of the new warfare. Germany realized soon that her policy of "attrition" was not to succeed. Her hope that by submarine destruction of English war-vessels the enemy's naval strength would be reduced to an equal basis with her own soon became a forlorn one.

The Teuton then turned his attention to the destruction of allied commerce. His new purpose was to destroy the food and munition supplies and also the vessels carrying men from England's colonies or to points in Macedonia and Mesopotamia.

Germany scattered mines in the waters near the British coast. The fact that this was a direct violation of international law meant little to the lawless Hun. For the highways of the sea are for neutral as well as warring nations and the indiscriminate placing of mines meant danger not only to the fighting factions but to neutrals as well.

Great Britain to meet this action of the enemy declared that the North Sea would be safe for ships only through one certain channel (through the straits of Dover). English ships cleared this channel of enemy mines and guarded it closely. Ships that took other courses did so at their own peril.

Germany countered by declaring that Great Britain had closed the North Sea to neutrals and so she declared that all waters surrounding the British

Isles was war zone. She announced that all enemy merchant ships found there would be destroyed without guarantee of warning or any promise for the safety of passengers or crew. Neutral ships were also warned.

Germany felt that this would bring England to her knees. She did not reckon, or possibly, she felt that the effect on England more than offset the righteous protests from neutrals. It brought a note from the President of the United States declaring that Germany would be held to "strict accountability" for offenses against international law and the laws of humanity.

This followed a series of lawless, murderous U-Boat attacks on neutral and defenseless allied ships. The story of the Lusitania is well known and is described in Vol. VI. Chapter CXIX, Page 1897 where mention is also made of other German depredations.

From that time when Count Von Bernstorff after the sinking of the Arabic declared that there was no possibility of a recurrence and when on February 9, 1916, Germany in her last note on the Lusitania affair, was willing to pay full indemnity for the loss of American lives repeating again the pledge that "unarmed merchantmen shall not be sunk without warning and unless the safety of the passengers and crew can be assured," she attempted continuously to evade her responsibility and guilt.

It was on April 26th, 1916, that President Wilson trying hard to keep the country honorably at peace sent Germany word again which concluded as follows:—

"If the Imperial German Government should not now proclaim and make effective renunciation of its present methods of submarine warfare against passenger and cargo ships, the United States Govern-

ment can have no other choice than to break off completely diplomatic relations with the German Government."

The Imperial German Government made reply as follows:—

"In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared as a naval war zone, shall not be sunk without warning and without saving human lives, unless these vessels attempt to escape or offer resistance."

In the last part of January the German Government declared that "From February 1st, 1917, sea traffic will be stopped with every available weapon and without further notice" (without warning) in zones around Great Britain, France, Italy and in the Eastern Mediterranean. American passenger ships would be undisturbed if they sailed once a week, bore certain markings, took a prescribed course, landed only at Falmouth, arrived on Sunday and departed on Wednesday and carried no contraband.

On February 3rd, the United States severed diplomatic relations with Germany on the ground that the German Government's announcement of January 31st "Withdraws the assurance given on May 4, 1916—that Germany would confine her war operations to the fighting forces of the belligerents." The German ambassador at Washington, given his passports, requested the Swiss minister, Dr. Paul Ritter, to take charge of German affairs in the United States.

President Wilson expressed his belief to other neutral nations that it would make for the peace of the world if they would all take action similar to that of the United States. The American am-

bassador to Germany, James W. Gerard, left Germany, placing the affairs of his government in the hands of the Spanish ambassador.

Other neutral nations replying to the German Government's note in relation to unrestricted submarine warfare showed varying degrees of firmness and warning; all refused to recognize the blockade as legal, but none followed the example of this government.

The German Government requested, through the Swiss minister at Washington, the opportunity to discuss matters of difference, but the United States refused to do so unless Germany first withdrew the proclamation of January 31st. In compliance with the request of the German authorities, all Americans were withdrawn from relief work in Belgium.

The Senate and House passed the Immigration Bill over the veto of the President. The literacy test was thus adopted after Presidents Cleveland, Taft and Wilson had vetoed it.

Possibly no other time in the history of the United States or in any other country staged so many important and epoch making events as did the year 1917 for this country.

Disclosures on February 28th made public at Washington showed that Zimmerman, the German Secretary of Foreign Affairs, proposed to the Mexican Government through the German ambassador at Mexico City, an alliance with Mexico in event of war between Germany and the United States; Mexico to receive financial support and to be compensated with New Mexico, Texas and Arizona. The note also suggested that Japan be invited to adhere to the plan.

In March, the Russian Duma met, in defiance of the Czar's decree of dissolution. Three days later

the Czar abdicated for himself and his son in favor of his brother Grand Duke Michael Alexandrovitch. The Grand Duke, however, renounced his right to the throne, until such time as a constituent assembly, on a basis of universal suffrage, should have established a form of government. A new cabinet was formed in Russia and so "almost without bloodshed, did Russia turn from a despotic monarchy to what will probably be a democratic form of government." The Foreign Minister of the new government, Paul Milyukoff, announced that the new regime was resolved to fight side by side with its allies.

March saw a bill passed authorizing and empowering the President to arm merchant ships. A measure was also passed forbidding the interstate shipment of liquors to such states as prohibit the sale and manufacture of such liquors.

The Naval Bill passed by both houses on March 4th carried appropriations of $535,000,000 and authorized a bond issue of $150,000,000 to hasten naval construction and the building of thirty-eight new submarines.

The Senate of the Sixty-fifth Congress met in special session on March 5th, with sixteen new members.

On March 5th Woodrow Wilson was inaugurated for his second term. The Sixty-fifth Congress met in extraordinary session on April 2nd. Champ Clark was re-elected speaker by a vote of 217 to 205. The President addressed both Houses, meeting in joint session and advised that "the Congress declare the recent course of the Imperial German Government to be nothing less than war against the government and the people of the United States." He recommended an immediate addition of 500,000 men to the army, chosen upon the principle of universal

liability to service, with subsequent increments of equal force. The Senate on April 4th and the House on April 6th passed resolutions declaring that a state of war existed with Germany.

In the middle of April both houses passed a bill authorizing the loan of $7,000,000,000 bond and note issue, the biggest war loan ever attempted by any nation. Three billion dollars of this was to be loaned to the Entente nations.

Affairs now were fast shaping themselves throughout the country for a state of war. Plans were rapidly being formulated for the raising of the large army and increasing the navy to capacity service. A Committee on Public Information was appointed by the President to serve as a Censor Board. The Council of National Defense appointed a Munition Board, and also a Committee on Food Supply and Prices. Throughout the country there grew a wide realization of the necessity of conserving resources and cutting down waste.

Turkey severed diplomatic relations with the United States on April 20th. On April 21st, the British Mission to America, of which Foreign Secretary Arthur J. Balfour was head, arrived in the United States. Three days later, the French Mission arrived. At its head were ex-Premier Viviani and Marshall Joffre. Both commissions were received with great enthusiasm by this country. It was felt that the United States could profit by the mistakes already made by its allies in its own preparations.

United States destroyers under Admiral Sims began to co-operate with the Allies in the war zone beginning May 4th. The President appointed a mission to Russia at the head of which was Elihu Root. In the meantime, Foreign Minister of Russia Milyu-

koff resigned and was succeeded by Mr. Kerensky, the strong man of Russia, and soon to become the premier.

On May 18th the President signed the Conscription Bill. The National Army was to supplement the Regular Army and the National Guard; all men between the ages of 21 and 30 inclusive, were to be registered on June 5th. From an estimated 10,000,000 registrations, the first contingent of 500,000 men was to be selected for training. The President announced that a division of regular troops (25,000) would proceed to France as soon as was practicable, under command of Major General Pershing

On June 5th, Conscription Day, about 10,000,000 men between the ages of 21 and 30 inclusive registered for war service. Nowhere was there any report of serious trouble.

On June 15th the subscription books closed for the $2,000,000,000 Liberty Loan. The loan was oversubscribed by $800,000,000; but the Secretary of the Treasury announced that only the prescribed sum would be used.

The President appointed a War Council to co-operate with the American Red Cross. The Red Cross made a strenuous campaign throughout the country for financial support and concentrated on the third week in June. The sum desired was $100,000,000 and was easily secured.

In the meantime Congress was giving more and more power to the Executive. The Council of National Defense co-operated with the Secretaries of the Navy and the Army. Congress passed a bill authorizing the expenditure of $600,000,000 for aerial preparedness.

The Government, too, while preparing to send men who were trained and who would be of service at the

front was loaning money to the various governments. General Pershing and a large number of troops landed in Europe and were given a wonderful greeting. These American troops were to be trained for immediate entry into the field of operations.

Race riots occurred in East St. Louis, Ill., due to the importation of negroes from the South to do the work that had been done before by immigrants. Twenty-nine persons, of whom twenty-five were negroes were killed, scores were injured and three hundred houses burned to the ground. Similar race riots occurred in Chester, Pa.

Congress passed a bill which prohibited the use of any food or feeds in the production of distilled liquors and also forbade the importation of distilled liquors from foreign countries.

On Friday, July 20th, Secretary of War Baker conducted the drawing of 10,500 numbers in the lottery for the national draft. The numbers that were drawn first were those of the men who would be summoned first for military service. In this way 687,000 eligible recruits were secured.

Trouble raised by the Industrial Workers of the World (I. W. W.) throughout industrial and farm sections brought about action on the part of the legal authorities, in many such localities. In Bisbee, Arizona, the lawless conduct of these agitators who were terrorizing all who attempted to run the copper mines, was met by equally lawless action on the part of the authorities. Without legal formality the agitators were forced to leave Bisbee and no provision was made for them elsewhere until they were taken in hand by the United States Army and given temporary quarters at Columbus, New Mexico. At Flat River, Missouri, a mob of native American laborers forced some 700 aliens to leave the lead min-

ing districts. Their grievance was that the employers were discharging Americans and putting aliens in their places at lower wage rates.

President Wilson approved the formation of a War Industries Board of seven members to have supervision of our national provisions of munitions, food and navy supplies. At the head of this board he placed Frank A. Scott, the then chairman of the Munitions Board.

Plans came to a successful head for a system of indemnity insurance as arranged by the Treasury Department. This would do away with much of the pension graft, which had always been the result of previous wars.

"The whole proposition is based on the fundamental idea that the Government should, as a matter of justice and humanity, adequately protect its fighting men on land and sea and their dependent families. It aims to hearten the families of the men who go to the front and at the same time to give to our soldiers and sailors the comforting assurance that whatever may be their fate, their loved ones at home will not be left dependent upon charity. It is proposed to impose on the public treasury the obligation of indemnifying justly the men who have entered, or are about to enter, the American Army and Navy to fight in the cause of liberty. With our men on the soil of France and hundreds of thousands of others about to enter the service of their country, the question is one of justice and fairness and the plan should be as liberal as it is possible for a just and generous republic to make.

"Under the plan discussed it is suggested that provisions be made for the support of dependents of soldiers and sailors by giving them an allotment out of the pay of the men; and also an allowance by the

Government; that officers and men be indemnified against death or total or partial disability; that a system of rehabilitation and re-education of disabled men be inaugurated; and that the Government insure the lives of sailors and soldiers on their application at rates of premium based upon ordinary risks."

Throughout the country considerable agitation was raised by pacifists, I. W. W. and German sympathizers. This took the form of propaganda of peace. Many of these people were earnest in their desire for peace, but many took the cry of peace as a means to further lawless ends or to help the enemy. The Government felt strongly that such agitation was helping the enemy in that it discouraged conscription and patriotism. For that reason the Department of Justice took severe steps to discourage anything that had the semblance of "aiding the enemy."

In the meantime the President had taken a firm stand to have one man in absolute control of the food supply who should be known as the Food Controller and whose duties would be to hold the prices down, eliminate as far as possible all waste and intensify the growth of crops and other food. The members of Congress desired that a committee be put in charge of this important work and many of the members felt that altogether too much power was vested in the Executive. However, the bill was passed as the President desired, and Herbert C. Hoover, who had been the head of the Belgian relief work and who was also in charge of the food propaganda up to this time, was appointed by the President.

At this time race riots occurred in Texas, where colored troops stationed there for training became mutinous and killed several of the officers and citizens of Houston, Texas. They were quickly con-

trolled and the court martial was swift and summary.

The pacifists tried to assemble in Minneapolis and in some points in Wisconsin to further the ends of peace and to particularly urge from the President a statement of the things the Government of the United States was fighting for. Because of the fact that feeling was strong, that the ends desired by this body were pro-German, it was impossible for them to find a place in which they would be allowed to meet. They finally arrived in Chicago, but the Governor of Illinois refused to allow them to meet in that city. However, Mayor Thompson gave them permission and a meeting was held on Sunday, September 2nd. Even while the meeting was going on troops were being rushed from Springfield to disperse the meeting. The meeting, however, was concluded just before the troops arrived. On September 6th, federal officers raided all points where the I. W. W. and kindred organizations had their headquarters for the purpose of seeking evidence to justify a belief that both moral and material aid was being given and received from the enemy.

War missions had come to this country from almost all of the Allies. The end of August found the Japanese and the Belgian missions on our shores. August also found a peace proposal from the Pope who was then the most prominent exponent of peace. He suggested that the belligerents be brought together for the purpose of coming to an agreement. It was felt by many that the Pope would not have taken this step unless he had first sounded the Allies and the Central Powers, but it was soon realized that such could not have been the case as far as the Allies were concerned, for President Wilson replied almost immediately to the Pope's peace proposal. His reply

was compressed into five words. "No Peace with Prussian Autocracy." To quote:

"The object of this war is to deliver the free peoples of the world from the menace and the actual power of a vast military establishment controlled by an irresponsible government, which having secretly planned to dominate the world, proceeded to carry out the plan without regard either to the sacred obligations of treaty or the long-established practices and long-cherished principles of international action and honor; which chose its own time for the war; delivered its blow fiercely and suddenly; stopped at no barrier either of law or of mercy; swept a whole continent within the tide of blood—not the blood of soldiers only, but the blood of innocent women and children; also of the helpless poor, and now stands balked but not defeated, the enemy of four-fifths of the world."

The President carefully pointed out that it was his opinion that this power was not the German people, but its ruthless master. The attitude of this Government was then stated:

"Punitive damages, the dismemberment of empires, the establishment of selfish and exclusive economic leagues, we deem inexpedient, and in the end worse than futile, no proper basis for a peace of any kind, least of all for an enduring peace."

President Wilson concluded his message with these words:

"We cannot take the word of the present rulers of Germany as a guaranty of anything that is to endure unless explicitly supported by such conclusive evidence of the will and purpose of the German people themselves as the other peoples of the world would be justified in accepting. Without such guaranties, treaties of settlement, agreements for disarmament,

covenants to set up arbitration in the place of force, territorial adjustments, reconstitutions of small nations, if made with the German Government, no man, no nation, could now depend on.

"We must await some new evidence of the purposes of the great peoples of the Central Powers. God grant it may be given soon and in a way to restore the confidence of all peoples everywhere in the faith of nations and the possibility of a convenanted peace."

CHAPTER CXXIV

1917

OTHER PHASES OF THE WAR

Russia's Part in the War—Italy's Glorious Share—Serbia the Heroic—Roumania's Disaster—The Armies opposed to the Turk—Greece' late Entry—The War on the Sea—Aerial Warfare.

We can deal but briefly with events of the war, direct in their bearing though they were, which did not include American activity.

The story of Russia is a tragedy. The empire of Russia, a hot bed of German propaganda and treachery, could cope but illy with the might of Germany on the Eastern front. Great blows were struck by it at critical points of the war but always such concerted effort seemed to be followed by a crumbling of its forces and weakened defense.

Possibly the greatest service in Russia rendered the Allies was its invasion of Eastern Prussia in 1914. To that as much as any other thing is due the fact that Paris was saved to the Allies

German propaganda grew, the Russian army, tremendous numerically, found itself sand before Germany's onrush. Now and then there were victories, but Russia on the whole was the weak sister of the Allies, where it was hoped she would prove a tower of strength.

Roumania's short lived entree in the war was due to the defection of Russia on whose aid she had counted. It was due to the fact that Russia failed Roumania that that nation was crushed so quickly.

The graft in high circles, the useless waste of hu-

man lives, the treachery too, among the autocracy brought about revolution in Russia. Czar Nicholas abdicated. His final fate was long in doubt.

A new government came into power. Prince Lvoff, who held strong democratic views was its leader. The life of this cabinet was short, it was succeeded by the Socialists under Kerensky.

Kerensky tried hard to keep Russia true to the Allies. But the extremists who were known as the Bolsheviki, opposed him, opposed Russia's remaining in the war. They called for peace. Lenine and Trotsky, their leaders, finally succeeded in obtaining the reins of government. Anarchy, bloodshed, the destruction of property, was followed by the Brest-Litovsk treaty between Russia and the Central powers, which stripped the former of Poland, the Ukraine and the Baltic provinces. It left Russia open to the exploitations of Germany and that country availed itself to the fullest of the opportunity.

The Allies, to whom the defection of Russia presented grave though not unexpected problems found it necessary to place allied forces in Vladivostock (American and Japanese) and in Northern Archangel and the Murman coast (British, French and American).

Italy conducted a big campaign against the Central Powers but principally against Austria which had in earlier wars acquired territory that of right belonged to her, in the Trentino, along the Isonzo River, Trieste and Istra.

Italy was a member of the Triple Alliance (Germany, Austria and Italy). Its treaty with the two nations pledged her to join with them in any defensive war. Germany tried hard to prove to her that the war was a defensive one, that the Central Powers had been attacked. Failing to make Italy

this struggle may be conceived when it is known that the very roads had to be built and communication maintained across the deserts and the very water brought across.

The Turks were defeated near Gaza in March and in the Fall, Beersheba and Jaffa were occupied. Jerusalem fell soon after.

During 1918, Aleppo was occupied and the Turkish army in Northern Mesopotamia was cut off from Constantinople. October found Turkey surrendering to the Allies.

Greece did not come into the war until late. When Constantine, its king fled, Greece joined the Allies. That country was of great help in driving Bulgaria from Macedonia.

Two phases of the world struggle must receive mention—the war on sea and in the air.

THE WAR ON SEA

On sea—the big sea battle of the war—was fought on May 31, 1916, Vice Admiral Beatty, commanding a battle cruiser squadron, found the enemy's high sea fleet steaming northwest off the Jutland coast. It was hazy weather and the day was already late. Although largely outnumbered he engaged the enemy hoping to hold him until the main British dreadnaught fleet under Admiral Jellicoe could come to his support. The enemy, however, slipped away, when night came. The British lost three cruisers, the Invincible, the Queen Mary and the Indefatigable. Germany admitted losing four cruisers, five destroyers, one battleship and one battle cruiser. Her losses were found to be much heavier at the conclusion of the war.

The big, outstanding naval deeds ranking high in the wonderful annals of Britain's naval glory, were

the raids on the Submarine bases at Ostend and Zeebrugge. On April 22nd, 1918, Vice Admiral Keyes in command of some of the oldest British cruisers, the Iphigenia, the Intrepid, the Sirius, the Thetis, and the Vindictive successfully attempted to destroy the fortified mole at Zeebrugge and so block the channel through which access was had to the canal. The Vindictive had a specially glorious share in this daring raid. She afterward returned to the harbor of Ostend and was sunk at its entrance.

America's navy had its share in the big work of transporting the men of America to the battlefield. The record of transporting 2,000,000 men to French soil with no losses is an account of careful planning, careful attention to all details, wonderful co-operation, in which America's navy played a big part. Its work was tremendously effective.

Germany's surrender of its great fleet in the last part of 1918 was a wonderful spectacle on the one hand, a humiliating one on the other. It had a small share in the biggest war the world has known because England maintained its mastery of the sea. It was to this fact and interwoven in this fact, the fortunate circumstance that the fleet was assembled on home waters at the time war was declared that Germany was not able to make an immediate attack on England at that time.

AERIAL WARFARE

More and more aviation became important in the conduct of the war. Better, faster and more powerful machines were being built and their uses became more varied. At the beginning of the war they were used mainly for observation but they began to be used as scouts, for the hunting of submarines, the directing of artillery fire, the bombing of hostile

ed less than 300 training planes, all of inferior types. Deliveries of improved models were begun as early as June, 1917. Up to November 11, 1918, over 5,300 had been produced, including 1,600 of a type which was temporarily abandoned on account of unsatisfactory engines.

Planes for advanced training purposes were produced in quantity early in 1918; up to the signing of the armistice about 2,500 were delivered. Approximately the same number was purchased overseas for training the units with the expeditionary force.

Several new models, to be used for training pursuit pilots, were under development.

Within three months after the declaration of war extensive orders were placed for two types of elementary training engines. Quantity production was reached within a short time. In all about 10,500 have been delivered, sufficient to constitute a satisfactory reserve for some time to come.

Of the advanced training engines, the three important models were of foreign design, and the success achieved in securing quantity production is a gratifying commentary on the manufacturing ability of this country. The total production up to November 11, was approximately 5,200.

PRODUCTION OF SERVICE PLANES.

The experience acquired during the operation on the Mexican border demonstrated the unsuitability of the planes then used by the American army. Shortly after the declaration of war, a commission was sent abroad to select types of foreign service planes to be put into production in this country. We were confronted with the necessity of redesigning these models to take the Liberty motor, as foreign engine production was insufficient to meet the great demands

of the allies. The first successful type of plane to come into quantity production was a modification of the British De Haviland 4—an observation and day bombing plane. The first deliveries were made in February, 1918. In May, production began to increase rapidly, and by October a monthly output of 1,200 had been reached. Approximately 1,900 were shipped to the expeditionary force prior to the termination of hostilities.

The Handley-Page night bomber, used extensively by the British, was redesigned to take two Liberty motors. Parts for approximately 100 planes have been shipped to England for assembly.

A total of 2,676 pursuit, observation and day bombing planes, with spare engines, were delivered to the expeditionary force by the French Government for the equipment of our forces overseas.

Considerable progress was made in the adaptation of other types of foreign planes to the American-made engines, and in the development of new designs. The U. S. D. 9A, embodying some improvements over the De Havilland 4, was expected to come into quantity production in the near future. The Bristol Fighter, a British plane, was redesigned to take the Liberty 8 and the Hispano-Suiza 300 h. p. engines. A force of Italian engineers and skilled workmen was brought to America to redesign the Caproni night bomber to take three Liberty motors, and successful trial flights of this machine have been made.

Several new models came under experimentation. Chief of these is the Le Pere two-seater fighter, designed around the Liberty motor, the performance of which is highly satisfactory. Several of these planes were sent overseas to be tested at the front.

PRODUCTION OF SERVICE ENGINES.

In view of the rapid progress in military aeronautics, the necessity for the development of a high powered motor adaptable to American methods of quantity production was early recognized. The result of the efforts to meet this need was the Liberty motor—America's chief contribution to aviation, and one of the great achievements of the war. After this motor emerged from the experimental stage, production increased with great rapidity, the October output reaching 4,200, or nearly one-third of the total production up to the signing of the armistice. The factories engaged in the manufacture of this motor, and their total production to November 8, are listed in the following table:

Packard Motor Company	4,654
Lincoln Motor Corporation	3,720
Ford Motor Company	3,025
General Motors Corporation	1,554
Nordyke & Marmon Company	443
Total	13,396

Of this total, 9,824 were high compression, or army type, and 3,572 low compression, or navy type, the latter being used in seaplanes and large night bombers.

In addition to those installed in planes, about 3,500 Liberty engines were shipped overseas, to be used as spares and for delivery to the allies.

Other types of service engines, including the Hispano-Suiza 300 h. p., the Bugatti and the Liberty 8 cylinder, were under development when hostilities ceased. The Hispano-Suiza 180 h. p. had already reached quantity production. Nearly 500 engines of this type were produced, about half of which were

shipped to France and England for use in foreign-built pursuit planes.

TRAINING THE PERSONNEL

After the declaration of war the construction of training fields proceeded with such rapidity that the demand for training equipment greatly exceeded the output. Since the latter part of 1917, however, the supply of elementary training planes and engines has been more than sufficient to meet the demands, while the situation as regards certain types of planes for advanced training has greatly improved. Approximately 17,000 cadets were graduated from ground schools; 8,602 reserve military aviators were graduated from elementary training schools; and 4,028 aviators completed the course in advanced training provided in this country. Pending the provision of adequate equipment for specialized advanced training, the policy was adopted of sending students overseas for a short finishing course before going into action. The shortage of skilled mechanics with sufficient knowledge of airplanes and motors was met by the establishment of training schools, from which over 14,000 mechanics were graduated.

At the cessation of hostilities there were in training as aviators in the United States 6,528 men, of whom 22 per cent were in ground schools, 37 per cent in elementary schools, and 41 per cent in advanced training schools. The number of men in training as aviator mechanics was 2,154.

FORCES AT THE FRONT.

Early in 1918 the first squadrons composed of American personnel provided with French planes appeared at the front. The number was increased as rapidly as equipment could be obtained. On Septem-

ber 30, the date of the latest available information, there were thirty-two squadrons at the front; of these fifteen were pursuit, thirteen observation, and four bombing. The first squadron equipped with American planes reached the front in the latter part of July.

LOSSES IN BATTLE AND IN TRAINING.

Though the casualties in the air force were small as compared with the total strength, the casualty rate of the flying personnel at the front was somewhat above the artillery and infantry rates. The reported battle fatalities up to October 24 were 128 and accident fatalities overseas 244. The results of allied and American experience at the front indicate that two aviators lose their lives in accidents for each aviator killed in battle. The fatalities at training fields in the United States to October 24 were 262.

COMMISSIONED AND ENGLISH STRENGTH.

On America's entrance into the war, the personnel of the air servoce consisted of sixty-five officers and 1,120 men. When the armistice was signed the total strength was slightly over 190,000, comprising about 20,000 commissioned officers, over 6,000 cadets under training, and 164,000 enlisted men. In addition to the cadets under training, the flying personnel was composed of about 11,000 officers, of whom approximately 42 per cent were with the expeditionary force when hostilities ceased. The air service constituted slightly over 5 per cent of the total strength of the army.

CHAPTER CXXV

1916—1919

AMERICA IN THE GREAT STRUGGLE.

America's Increasing Army in France—The Training of the Men—Germany's Realization of America's Strength—The Need for Immediate Action on Her Part—The Great Offensive on March 21, 1918—The Enemy's Plan—Germany's Temporary Success—American Troops on Land—General Foch in Supreme Command—Chateau Thierry—The Allies' Counter-Attack—The German Retreat—America's Share in the Fighting—Bulgaria Surrenders—Italy's Success—Turkey Surrenders—Germany Seeks an Armistice—Austria Gives up—Armistice Declared—Its Terms—The Emperors of Germany and Austria Abdicate—What the War's Conclusion Brought—The War at Home—The Drafted Men—War on Austria Declared——Workless Mondays—Foe Restrictions—The Third Liberty Loan—1918 Independence Day—Fourth Liberty Loan—America's Concentration of Effort—The News of the Armistice—President Wilson Goes to France—His Work There—The Peace Council—The League of Nations—Opposition at Home—Text of its Covenant—Colonel Roosevelt Dies—Prosperity Ahead.

While America bent its efforts toward preparation and the transportation of troops, Germany, which had up to now, outwardly ridiculed the possibility of America's aid to the cause of the Allies, first, because its submarines would make the transportation of troops impossible, second, because the Americans were not fighters, third, because an army needed months and years of training and preparation and America not only was without the training and preparation but without the army for it, Germany, as we have said, began to realize that the United States despite all this unassailable reasoning to the contrary *was* getting a large and constantly increasing army to the scene of conflict and that this army was

trained and counting effectively in the great struggle.

In the latter part of 1917 and throughout all the early months of 1918, Germany which had been freed in the East by the shameful surrender of the Bolsheviki Government through the infamous Brest-Litovsk treaty, began moving division after division to the Western front. The Allies realized that a new and desperate offensive would be begun by the enemy in the Spring.

On March 21, 1918, the enemy struck. His plan was to force a wedge between the French and British Armies forcing the latter west and north toward the Channel ports and the former south beyond the Somme. To do this successfully it was necessary for the Germans to capture Amiens.

Truly a big program. To succeed the blow had to be struck at once before America began to pour its magnificent strength into the conflict. The submarines had been unable to sink a single transport on its way to France. Germany began to realize that its strongest weapon, the Submarine, was a failure.

England at this time was dangerously short of food and France also was in a desperate food situation. America had undertaken a voluntary food rationing, account of which is made later. Because of this and the concentration of all its efforts, it was able to send vast supplies, food and men to the Allies. That was the big task ahead and how well the ships of America and the Allies succeeded in this task, history will tell.

The enemy's attack was on a front of over fifty miles, from a point north of Cambrai to west of La Fere. General Byng held his position at Cambrai but on the third day the enemy hurled tremendous strength against General Gough at St. Quentin. The British retreated at this point. Its retreat left a gap between the British and the French.

It was a critical situation for the Allies. But by superhuman efforts all the reserves and every available man was hurled into the weakened line. It is worthy of note here that a force of American engineers was used at this time and that these men acquitted themselves well. The day was saved. It meant that the enemy's drive for the channel ports was stopped.

The Germans after a short rest, successfully smashed through to the Aisne at a point between Rheims and Soissons and reached the Marne. Nothing seemed able to stop them. Well and heroically the French fought but to no avail.

In Allied Council, it was being seriously debated whether to give up Paris or the Channel ports or even both. It was felt that one or the other or even both would have to go. The foe's success in Picardy along the Aisne and in Flanders spelled disaster.

At the same time the Council discussed the advisability of placing the Allied troops under a supreme command. But nothing came of this at the time, although it was felt that it was but a question of time when this step would be found necessary.

A half million American troops were now in France being prepared for the front. The British prime minister, Lloyd George, made a memorable appeal to the President of the United States for immediate aid. It was, so he said, the Allies only hope. Great Britain turned over every available ship for the purpose of transportation of troops.

At the end of May, three hundred thousand more Americans were in France. A month later, the number had reached a million.

To General Foch, in command of the French forces, the American commander, General Pershing, now made known his willingness to place himself and his

command under orders. It was this willingness on his part to accept the leadership of the French commander that brought the quick appointment of the latter as Commander in Chief.

The American presence at the front began to be felt now. In all engagements the might of the new army was apparent.

Possibly, the turning point of the tremendous German effort was at Chateau Thierry. The French had held the line at this point until every ounce of its strength had been expended. Into this widening breach were thrown the United States Marines. The battle that then followed shall ever redound to America's glory.

The triumphant Germans in the full swing of continued success attacked once and again. The Marines met these attacks confidently. Not a step did they give. The enemy, his losses heavy, was forced to retire.

Then the Marines in return attacked. The youth of America, superb in its strength, proved its power then and there. On a front of two and one half miles they penetrated into the enemy's ranks for over two miles. The French, with renewed strength attacked at the same time on the Americans' left.

For ten days the battle continued. The loss of the Americans was large but the Germans were piled three deep and more in many places. The "teufel hunds" as the German called the Marines had advanced and captured Belleau Woods, a German stronghold and the French had completed the capture of Vilny and Veiully-la-Poterie.

Foch launched his counter attack now—on July 18th—which spelled Germany's doom. The Americans pounded against the Crown Prince's center, while on both wings the British, French and Italians

made strong attacks forcing the Crown Prince to retreat.

The retreat now began to be general. First, Soissons, then Fismes, then Peronne. In Flanders, too, the British were forcing the quick retreat over the recently conquered lands.

There came the great smash against the salient of St. Mihiel by the Americans followed with another attack against Mont Sec, one of the strongest of Germany's positions. To quote the Associated Press which described the operation:

"The operation, to explain it in more detail, was of the pincers type always used to nip off a salient. One claw of the pincers, some twelve miles thick, rested on the Moselle at about Pont-a-Mousson. The other, about eight miles thick, rested on the heights of the Meuse at Haudiomont, a little to the east of the river. The distance to be filled up between the claws of the pincers was about thirty miles, and the ground to be nipped off by them would be about 200 square miles.

"It was thus a pretty big operation to be put through in two days on a sector that had been as stubborn to impression as almost any on the whole front. But it was carried out not only without a hitch of any kind, but throughout in advance of the scheduled program and in weather conditions that were unfavorable throughout for all arms, and especially for the tanks and the aircraft.

"The first day's fighting saw the southern claw of the pincers advance up to the full limit assigned to it, but the western had to face more difficult ground and more strenuous opposition. It, too, however, reached its assigned position later in the day.

"Consider now how interesting was the situation. The claws of the pincers were but four miles apart. They were pursuing a large force of the enemy ahead

and away from the end, and at the same time they were inclosing an unknown but certainly also a large force of the enemy in the 200 square miles that their grip embraced. When the claws met, then the arms would have a big force of the enemy on either side of them, and they then might have to fight facing both ways.

"They took a chance, for the enemy was reported to be escaping between the claws at the rate of a thousand an hour when early on September 13 they closed and trapped a so far unknown number of the enemy. A chance shot at the number of the Germans inside the salient when the operation began would be from 90,000 to 100,000. Many of the roads were lined with them on the 14th, and up to the 15th over 15,000 prisoners had been counted."

September found the Germans retreating into Belgium. General Hunter Liggett in command of the American First Army in conjunction with the French opened a new drive on a front extending from Verdun to the Argonne. It is believed by military authorities that this drive made victory certain for the Allies.

The Central Powers, defeated by the British on the one hand and by the French on the other along a line reaching from the North Sea to the Aisne were in steady retreat fighting rear guard actions only. It was their hope to retire to a new and shorter line which, obviously they would have less difficulty in defending. The German plan was to shorten the line so as to be within Antwerp and Namur, retiring to the stronghold of Metz which they were certain they could hold during the winter. Spring, they hoped, would bring new developments, new possibilities, reorganization even, and possibly discord among the enemies.

The Allies, in full understanding of the German hopes and plans, centered all their strength in frustrating them. The task of doing so was given to the American troops on the Argonne-Meuse front.

Germany put all its strength in opposing the new advance of the Americans and the French who were cooperating with them. To do this Hindenburg retired more and more hastily in Belgium and north of the Aisne.

On September 30th, Bulgaria, first to see the inevitable, sued for peace. A few days later it surrendered to what practically meant unconditional surrender.

Germany facing doom, seeing her allies deserting her, asked President Wilson to obtain an Armistice for her. The President refused to submit her request to the Allies until she declared her willingness to accept the fourteen points of his peace aims, also her readiness to give up such French and Belgium territory which she still occupied. While the exchange of notes between the United States was going on, the armies of the Kaiser continued to retreat to the shorter line centering its chief strength against the Americans.

Tenaciously, brilliantly, our armies fought against the concentrated effort of the German. Late in October, the Americans broke through. The German resistance seemed to melt away. Northward the victorious Americans hastened after the fleeing foe.

In Italy the Italians were sweeping the Austrians before them. Austria lost hundreds of thousands in dead, wounded and prisoners and materials of countless value.

Now Turkey surrendered unconditionally. Austria, which had tried to stave off its overwhelming

ing defeat through surrender was made to accept the terms of the Italian commander.

Germany, waiting for armistice terms, found the Americans occupying Sedan. With such occupancy, its retreat through French soil was closed, its main line of communication between France, Belgium, Alsace and Lorraine was cut off and the shorter line to which it had hoped to retire was now an impossibility.

Complete and utter disaster facing it, the enemy was notified by General Foch, that it would be permitted to send envoys under a white flag through a definite and fixed road to receive his terms.

The German envoys arrived and to them was given the terms of the Entente commander. They had until Monday, November 11th, to accept or reject the terms.

The armistice terms summarized according to the Post of Washington were as follows:

Germany has been forced to agree to (1) The immediate evacuation of all invaded countries. (2) The imprisonment of all German troops not so withdrawn. (3) The repatriation, within two weeks, of all citizens of Allied or associated countries imprisoned in Germany. (4) The surrender of 5,000 guns, 25,000 machine guns, 3,000 Minenwerfer, and 1,700 airplanes. (5) The occupation by Allied troops of the German land on the left bank of the Rhine, with frequent bridgeheads, making the further invasion of Germany comparatively easy. (6) The support of the Allied army of occupation to be at the cost of Germany. (7) All poisoned wells and mines in evacuated territory are to be revealed, and no damage shall be done by the evacuating German troops. (8) Surrender of 5,000 locomotives, 150,000 cars, and 5,000 motor-cars. (9) Surrender of all German submarines

(including submarine cruisers and all mine-laying submarines) now existing, with their complete armament. (10) Repatriation of all war-prisoners in Germany without reciprocity. (11) All German troops to withdraw within German frontiers. (12) German troops immediately to cease all requisitions. (13) All stolen money must be restored. (14) Treaties of Bucharest and Brest-Litovsk abandoned. (15) Unconditional capitulation of German forces in East Africa. (16) Reparation for damage done in invaded countries. (17) Location of all German ships revealed. (18) Six German battle-cruisers, ten battleships, eight light cruisers, and fifty destroyers of the latest type are to be disarmed and interned in neutral ports. All other surface war-ships are to be concentrated in German ports, completely disarmed, and placed under Allied supervision. (19) All naval aircraft must be concentrated. (20) Associated Powers have access to Baltic Sea. (21) Associated Powers occupy German shore defense. (22) Blockade of Germany continues. (23) Germany evacuates Black Sea ports. (24) Germany must locate all marine mine-fields. (25) All neutral merchant vessels must be released. (26) All merchant vessels of associated Powers must be restored without reciprocity. (27) No transfer of German merchant shipping. (28) All restrictions on neutral commerce withdrawn by Germany. (29) Armistice runs thirty days, with option to extend. (30) Armistice may be denounced on forty-eight hours' notice.

Germany, helpless and hopeless, accepted the terms of the allies on the date stipulated. Two days before that, on November 9th, Wilhelm II, King of Prussia, and Emperor of Germany, signed his abdication. The Crown Prince too, renounced all claims to the throne. The Hohenzollerns fled to Holland. Em-

peror Charles of Austria followed the example of his neighbor in also abdicating.

The conclusion of the war, viewed briefly, showed the following.

France obtained Alsace-Lorraine.

Great Britain had driven the Germans from East Africa, had saved the British Empire, had kept its faith with the smaller nations.

Poland was restored its independence and held promise of a return to its former greatness.

Bohemia was the central and important point of the new Czecho-Slovak Nation. Syria, Armenia and Mesopotamia were redeemed from the Turk. Palastine was to be restored to the Jews.

Serbia, Belgium and Roumania were free again.

Italy recovered its lost provinces.

The Jugo-Slavs, that people immediately to the north and east of Italy, were given the right to organize into a nation on the basis of an independent people.

Autocracy had fallen everywhere.

America, which sought no material gain, had won honor, respect and the affection of all people.

THE WAR AT HOME.

On September 5th, 1917, the first contingent of the men conscripted for army service was sent to the various camps. It was a revelation to those who professed to see possible trouble and resistance on the part of many of the men called to fight for their country. The day passed quietly, the men took up their new duties methodically and answered the call willingly and freely. It spelled Americanism and the patriotism of American manhood.

On December 28th, America declared war on Austria-Hungary. On December 26th the Government

found it necessary to take over all the railroad lines. William G. McAdoo, Secretary of the Treasury took on the extra duties of Director General of Railways.

On January 16, 1918, Fuel Administrator Garfield ordered non-essential manufacturing concerns to shut down for five days and on all Mondays thereafter until March to relieve the coal shortage. It was not necessary however to continue the suspension of business on Mondays later than the middle of February.

On January 26, the President appealed to the country to use only 70% of the wheat used in 1917 during the new year, urging the need of the same overseas. Every Monday and Wednesday was thereafter declared a wheatless day and one meal each day was to contain no wheat. Sugar, too, was cut to a minimum, meat and pork products were also largely curtailed and one day each week (Tuesday) was meatless day and one meal each day contained no meat.

As the message said:—"The effectiveness of these rules is dependent solely on the good will of and the willingness to sacrifice by the American people." All America responded gladly, willingly. Men, women and children turned to planting gardens, the farmers answering an appeal of the President turned to the work of turning out bumper harvests.

May 24th, the 3rd Liberty Loan ended with the amount requested considerably oversubscribed. May 25th, found the second American Red Cross War Fund for $100,000,000 oversubscribed. On June 10th, Secretary Baker announced that 750,000 Americans were in France; on July 2nd, the number had been increased to over 1,000,000 men.

July 4th, 1918 found the American Independ

day celebrated in England, France and Italy as well as in the United States.

It was necessary as a war measure to have the right to take over the telegraph lines and the President was given this authority on July 13th.

A Fourth Liberty Loan was heavily oversubscribed in November the amount subscribed reaching about $7,000,000,000.

America's great concentration of effort was helping to bring the war to a close. Daily it became more apparent that Germany's defeat was but a question of months, of weeks, of days even. Then came the Armistice, the great rejoicing in the country, the return of America's troops.

On December 2nd, the President of the United States sailed for France to attend in the arrangements and negotiations for peace. This was a departure and upset of all precedence. There was some protest but the country, on the whole, approved. His visit to Europe was an epochal one, everywhere he received an inspiring welcome. It was the tribute of Europe both to America and the Man.

His work in connection with the peace table decisions was of the utmost importance, its true importance will be fully realized in the light of looking backward. He stood out as a figure that sought not material gain but what was best for all the world. He understood the needs and demands of France, Italy and England and the lesser nations but he also had the vision to see that the conquered nations have left with them the ability to meet their just penance.

No voice in all the Peace Council had greater weight. Though his plans met with considerable opposition at home he urged a League of Nations as a practical preventative of future wars. We include a summary of the text of the Covenants of the

League of Nations issued officially on April 12, 1919.

"1—The league of nations is founded in order to promote international co-operation and to secure peace. The league will include: (A) The belligerent states named in a document annexed to the covenant; (B) all the neutral states so named, and (C) in the future, any self-governing country whose admission is approved by two-thirds of the states already members of the league.

"A state may withdraw from the league, providing it has kept its obligations to date, on giving two years' notice.

"2—The league will act through an assembly comprising not more than three representatives of each of the member states, each state having only one vote, and a council comprising, for the present, one representative of each of the five great powers as selected from time to time by the assembly.

"The number of powers of each class represented on the council may be increased by the unanimous consent of the council and a majority of the assembly. Other powers have the right to sit as members of the council during the decision of matters in which they are especially interested.

"In the council, as in the assembly, each state will have only one vote. Both these bodies are to meet at stated intervals (the council at least once a year), and at other times if required; both can deal with any matter that is of international interest or threatens the peace of the world; the decision of both must be unanimous, except in certain specified cases, matters of procedure, for instance, being decided by a majority vote.

"The league will have a permanent secretariat, under a secretary general. The secretariat and all other bodies under the league may include women,

equally with men. A permanent court of international justice and various permanent commissions and bureaus are also to be established.

"3—The member states agree: "(A) To reduce their armaments, plans for such reduction being suggested by the council, but only adopted with the consent of the states themselves, and thereafter not to increase them without the concurrance of the council.

"(B) To exchange full information of their existing armies and their naval and military programs.

"(C) To respect each other's territory and personal independence, and to guarantee them against foreign aggression.

"(D) To submit all international disputes either to arbitration or to inquiry by the council, which latter, however, may not pronounce an opinion on any dispute whose subject matter falls solely within the state's domestic jurisdiction; in no case go to war till three months after an award, or a unanimous recommendation has been made, and even then not to go to war with a state which accepts the award or recommendation.

"(E) To regard a state which has broken the covenant as having committed an act of war against the league, to break off all economic and all other relations with it, and to allow free passage through their territories to the troops of those states which are contributing armed force on behalf of the league. The council is to recommend what amount of force if any, should be applied by the several governments concerned, but the approval of the latter is necessary. (States not members of the league will be invited to accept the obligations of the league for the purpose of particular disputes, and, if they fail to comply, may be forced.)

"(F) Not to consider any treaty binding till it has been communicated to the league, which will then proceed to publish it; to admit the right of the assembly to advise the reconsideration of treaties and international conditions which do not accord with present needs, and to be bound by no obligations inconsistent with the covenant.

"A state which breaks its agreements may be expelled from the league by the council.

"4—The Covenant does not affect the validity if international engagements, such as treaties of arbitration or regional understandings like Monroe doctrine, for securing the maintenance of peace.

"5—The former German colonies and territories of the Ottoman empire are to be administered in the interests of civilization by states which are willing to be mandatories of the league, which will exercise a general supervision.

"6—The member states accept certain responsibilities with regard to labor conditions, the treatment of natives, and white slave traffic, the opium traffic, the arms traffic with uncivilized and semi-civilized countries, transit and trade conditions, public health and Red Cross Societies.

"7—The league is recognized as the central body interested in co-ordinating and assisting international activities generally.

"8—Amendments to the covenant require the approval of all the states on the council and a simple majority of those in the assembly. States which signify their dissent from amendments thus approved are not bound by them, but, in this case, cease to be members of the league."

It was necessary at the peace table not only to change the map of Europe but to settle as to the indemnity the defeated nations must pay and also the

penalty for those who were responsible for the war. Through the first four months of the year 1919, the Council struggled with the weighty problems and disruption seemed likely to occur at any time. In the meantime Hungary announced that it had its Government into the soviet form and was seeking to work it out successfully with the aid of Russia. Bavaria, too, at the death of its Premier, Kurt Eisner turned to the same form of government. The Council viewed these steps taken by these governments and the rumors of the spread of Bolshevism to other small nations with concern and hastened still further to bring its peace terms to a conclusion.

America's opposition, as voiced by a number of the Senate to the failure of the recognition of the Monroe Doctrine in the clauses of the League of Nations was answered when the Peace Council announced in the middle of April that it recognized the existence of that doctrine.

America suffered a great loss on January 6, 1919, through the death of Theodore Roosevelt, the great American. Ailing for many years he had refused to succumb to sickness until it was necessary for him to take to his bed. He died in the early morning of Monday, January 6th, but until the very end he kept up his interest and activity in things American.

The things that could be said of him are many and we voice four expressions.

President Wilson: The United States has lost one of its most distinguished and patriotic citizens, who had endeared himself to the people by his strenuous devotion to their interests and to the public interests of his country. . . . His private life was characterized by a simplicity, a virtue, and an affection worthy of all admiration and emulation by the people of America.

Rudyard Kipling: It is as though Bunyan's Mr. Greatheart had died in the midst of his pilgrimage, for he was the greatest proved American of our generation.

Ex-President Taft: We have lost a great patriotic American, a great world figure, the most commanding personality in our public life since Lincoln. I mourn his going as a personal loss.

On the Roosevelt Memorial Day, February 9th, Senator Lodge who pronounced his eulogy in the House of Representatives, at a time when the Senators, Congressmen, members of the Cabinet, the Diplomatic Corps, the Justices of the Supreme court, the Speaker of the House and the Vice-President of the United States were present, said:

No man ever had a more abundant sense of humor —joyous, irrepressible humor—and it never deserted him. Even at the most serious and even perilous moments, if there was a gleam of humor anywhere, he saw it, and rejoiced and helped himself with it over the rough places. He loved fun, loved to joke and chaff, and, what is more uncommon, greatly enjoyed being chaffed himself. . . . He never by any chance bored the American people. They might laugh at him or laugh with him, they might like what he said or dislike it, they might agree with him or disagree with him, but they were never wearied of him, and he never failed to interest them. He was never heavy, laborious, or dull.

In November of 1918, the President appointed representatives to the Peace Council. The five men were the Honorable Robert Lansing, Secretary of State, the Honorable Henry White, ex-ambassador to France, the Honorable Edward M. House, General Tasker H. Bliss (military advisor of the United States in the Inter-Allied War Council) and the

This article prohibits the manufacture, sale and transportation of liquor, one year after the formal proclamation is made by the Secretary of State.

There had never been more bitter opposition against any measure than this to make the country dry; to prohibit the use of intoxicants. Many dire predictions were made, the gloomiest was that the people would rise in their wrath against this curtailment of personal liberty. The measure however took effect without disturbance, even six months earlier (because of the necessity of it as a war time measure) than January 1920, the time set for the law to go into force.

Opposition to the League of Nations began to be voiced by leaders of both parties. Although such Republicans as Elihu Root, Ex-President Taft and Attorney General Wickersham favored the league, if not altogether in accord with the President, there were many Republicans and Democrats who were bitterly opposed to it.

Criticisms varied—from the argument that to accept it meant a surrender of high functions of our sovereign powers, that it abrogated the Monroe doctrine, that it meant entangling alliances, and that an acceptance of it would in itself bring controversies and misunderstandings.

The President returned hurriedly to the United States on February 24th for a stay of less than 10 days. He was anxious to discuss the probable Treaty of Peace and the Covenants of the League of Nations with the members of the Foreign Relations Committees of both houses and also to attend to some pressing executive duties. He met the members of these committees two days later. He returned to France again on March 5th.

It was probably due to the sentiment expressed by the members of the Foreign Relations Committees

that the president made a special plea on April 10th before the Committee considering the League of Nations which adopted a special clause that stated that the covenant did not affect existing understandings such as the Monroe Doctrine.

June 28th, witnessed the signing of the Peace Treaty at Versailles by representatives of Germany and also the Allied and associated powers. The following day the President started for America.

The President almost immediately met the Senate Committee on Foreign Relations at the White House. A discussion of the Peace Treaty followed, the Committee seeking information for its guidance. The members interestedly questioned the Executive for more than three hours.

Opposition to the Treaty took active form almost immediately thereafter. Senator Lodge of Massachusetts, chairman of the Committee on Foreign Relations presented the majority report of that committee proposing many amendments and four reservations.

The President met this challenge by beginning an extended tour of the country in September to point out to the people "what the peace treaty contains and what it seeks to do." After making more than forty speeches which covered a range from Columbus, Ohio to the Pacific coast and return, the President suddenly abondoned his trip after reaching Kansas. His health had broken down. Grave fears were held for his life, his recovery seemed extremely uncertain and slow. The country anxiously prayed for his return to health. He was a bed patient for a long time, no one except his immediate family was permitted to see him.

Considerable uncertainty was manifested as to where the powers of the Executive could be delegated during the Presidents' illness; there was talk of a

proviso to cover such a situation. But with the welcome probability that the President would not be indisposed for a much longer time, the matter was dropped.

In the meantime, the Senate on November 7th, by a vote of 48 to 40, adopted the Foreign Relation's Committee's preamble to the proposed reservations to the Peace Treaty which declared that ratification by the United States would not be effective or binding until the reservations were accepted by three of the four principal Allied Powers. Six days later, by a vote of 46 to 33, the Senate adopted the following reservation to the Peace Treaty—That Military or Naval Forces of the United States should not be employed under Article X of the League Covenant* without authorization of Congress. Two days later the Senate further adopted ten important amendments to the Peace Treaty.

The Senate made the situation even more complex and brought it into a serious deadlock on the 19th when it rejected the Peace Treaty of Versailles, after also voting down the Treaty with the Republican reservations by 55 to 39.

The end of the year 1919, however, found many in the Senate, both Republicans and Democrats who were anxious to accept the Treaty of Peace with only mild reservations. They deplored both the attitude of the President and the extreme reservationist, in the Senate. They spoke in a spirit of conciliation which promised to bring both sides together and so overcome the serious deadlock.

Herbert Hoover had been appointed early in the year as Director-General of American Relief in Europe. His work had been a tremendous one but no man in America was more equal to it. His management of Belgian Relief and later as the Food Admin-

*Our readers understand, of course, that the League of Nations was incorporated into the Treaty of Peace.

istrator had been trying and remarkably resourceful. He was a man who had been discovered by the great conflict, more than a volume would be necessary to tell of the many things he succeeded in doing. Throughout the war he followed a basic principle that had been his from the first—that there would never be need of compulsion in getting the country to eliminate or cut down on foods. His word was law as far as restrictions that were necessary as to food. During the first months of 1920, when presidential timber was being discussed to succeed Mr. Wilson, Mr. Hoover's name was mentioned often. A rare and unusual fact came to light, no one knew whether he was Republican or Democrat.

The year 1919 was marked by considerable unrest throughout the country. The readjustment after the fighting was over, was not easy, although the nation had emerged the most powerful on earth, even though it was tremendously rich, despite the big burden of the war's costs, the feeling, general throughout the country, was of dissatisfaction.

Optimists had hoped for a decrease in the costs of living but prices continued to soar instead. It was estimated that the increase ran from 80 to 100% over 1914. Those most affected by it were the great middle class. Their incomes had not increased, their salaries were still based on the standards of 1914. People there were, who had lived in comfort on small incomes derived from investments; they found now, that while their investments and their incomes had apparently not decreased, the value of the dollar had been cut in half.

The people who followed a profession, the people whose work was clerical found it hard to maintain the meagre comforts of that period before the war. These people usually were the last to complain but their voices were beginning to be heard as the costs

of living continued to soar, and their incomes remained almost stationary.

The men who worked with their hands the skilled and the unskilled fared far better. Their wages had risen steadily and 1919 found most of them with increases averaging 100%. The high cost of living was not a menace to them, as things went higher, their demands went up. So great was the need for labor, so tremendous was the demand for production that in almost all cases they were not denied.

It all resolved itself into an endless circle. The manufacturers and the producers were accused of profiteering; to them was laid the responsibilities of high costs; they easily shifted the responsibility—did they not have to pay tremendous increases in labor and material? On the other hand the laborer if blamed with the responsibility—shifted the burden as easily—it was necessary for him to earn more—did he not have to live? Could he live on the old wage and the increased cost of supplies?

The Government recognizing the danger of these conditions, of the industrial and social unrest took measures to overcome them. But this was not easy, it was not the solution of a day or of a month. The President gave large powers to the Attorney-General to combat the high cost of living, he appointed industrial and social commissions to seek a solution.

In the meantime the country was at the beginning of a strike epidemic; it also had to face the growing strength and propaganda of the radicals and the enemies of law and order. At such times, a stern hand was needed, and although that stern hand sometimes exceeded its authority in the repression of that free speech which is a right in this country, it was no moment in which to make fine distinctions.

Important conferences were held in Washington throughout 1919 to discuss and devise ways to meet

these troubled conditions. A meeting of the Governors of all the states and the mayors of many of the industrial cities was called about March. It considered the increasing costs of living and the general restlessness of labor. Another conference, even more important began somewhat later and lasted until about the end of October. It was the Industrial Conference, consisting of representatives of the Public, Capital and Labor. Much hope was vested in this body — the representatives of the different groups showed a decided tendency to discuss problems from all standpoints. This conference purposed among other things to arrive at some basis which would be fair to the public, to the employe, and to the employer.

With the advent of the Steel Workers' strike after failure on the part of the United States Corporation to agree to arbitrate, the first signs of storm appeared. Judge Gary who was president of the Steel Corporation took the firm stand that arbitration was not necessary. A further snag was struck over the question of collective bargaining. Although, practically all the representatives of the three groups were in favor of this, the form in which, it was to be undertaken brought about a serious difference of opinion. The labor group withdrew from the conference after the employers had rejected a proposal recognizing collective bargaining through the labor union. The group representing the public had voted with the labor group but it was necessary for the three sections to agree.

The President after receiving a delegation of railroad employes who demanded an increase in their wages, issued a statement urging a truce in wage questions pending readjustments of living costs.

"Demands unwisely made and passionately insisted upon at the time," he said "menace the peace

and prosperity of the country as nothing else could."

The threatening coal strike assumed grave proportions in the last months of 1919. The President reappointed Dr. Harry Garfield as Fuel Administrator; the Attorney General announced that he would enforce the statutes which prohibited interference with the supply and distribution of fuel. Despite this the bituminous miners were ordered by their leaders to quit work on October 31st.

The Government applied for and the coal miners' leaders were served with injunctions which actually restrained them from striking. However matters were at a standstill, the miners refused to return to work. A conference was held by the cabinet, which decided on not accepting the suggestion of the Secretary of Labor to give the miners a thirty-one percent increase. It did approve the Fuel Administrator's suggestion to grant a fourteen percent increase to be entirely borne by the Coal Operators and not by the public.

The recommendation was bitterly protested on all sides, affairs shaped themselves quite seriously. The American Federation of Labor endorsed the Coal Miners' strike, condemned the Government's action as a blow against labor's greatest right—to strike. The Federation further promised its full support to the Coal Miners.

In the meantime the country suffered keenly with the failure to obtain coal.

In many states all but essential industries were ordered closed, in other states all industries were allowed on a part time basis only.

The situation, however, was cleared by the President. Through the Attorney-General, he addressed himself to the coal miners, called upon their loyalty and asked that they temporarily accept the fourteen percent advance. He promised the appointment of

a commission to represent all sides. He assured the miners that a quick decision would be made, the study of conditions and their status would be hurried and a conclusion reached in a short time. The leaders of the coal miners accepted the President's statement and the miners returned to work almost at once.

There were changes in the Cabinet during the year. Mr. Gregory resigned as Attorney-General in March, and was succeeded by A. Mitchell Palmer of Pennsylvania. The Secretary of Commerce, William C. Redfield resigned somewhat later. Carter Glass gave up the Treasury portfolio in November, to accept the appointment as Senator from Virginia to fill out the unexpired term of Senator Martin, deceased.

There were a number of other important events during the year 1919. May 10th completed the last big loan—the Victory Loan. Although the war was over almost six months, the loan was vastly oversubscribed, the request for $4,500,000,000 being met with a total of $5,249,908,000.

With the adoption by the Senate of a proposed woman's suffrage amendment already passed by the House, the amendment went at once before the legislatures of the states for the necessary two third ratification.

On May 31st, the American NC4 seaplane arrived at Plymouth, England on the first transatlantic flight. It started from Massachusetts, then to the far points of Canada and Newfoundland, then to the Azores, to Portugal and so to England. On June 14th, the first transatlantic flight without stop was made by the British flier Captain John Alcock and his navigator, an American, Lieutenant Arthur W. Brown. The 1900 miles from Newfoundland to Ireland were made in sixteen hours, twelve minutes.

On June 5th, the Postmaster General made partial return of the telegraph and telephone systems to their owners, later in the year, upon vote of Congress he made full return.

On September 8th, General Pershing returned to America landing in New York. The whole city turned out to pay him homage and honor.

In October, King Albert, his wife and son visited America. The rulers of Belgium were given a splendid and friendly welcome. The heroism of Albert had made a strong appeal to America, the country testified to its admiration wherever the King visited. He made quite an extensive tour throughout the whole country. Soon after the Prince of Wales arrived in the United States from Canada. He was warmly greeted, he represented the ties between England and America.

The situation between Mexico and this country, always grave, became extremely critical upon the arrest by the former of William O. Jenkins, consular agent at Puebla. There are many in the United States who show a growing impatience over Mexican conditions, especially as they apply to American lives and interests. Jenkins was released on bail offered by a friend over his protest. The situation was somewhat relieved but threatens to flame again at any moment.

HISTORY OF POLITICAL PARTIES

HISTORY OF POLITICAL PARTIES

Events Leading Up to the First Party Formation

The political existence of the United States dates from the battle of Lexington, the first battle of the Revolutionary War, April 19, 1775. When the conflict with England began, there were two parties in the colonies. They corresponded in name with the leading political parties in England at that time. Their aims and objects were, of course, dissimilar.

The colonial Whigs, including a majority of representative citizens and many young men of adventurous spirit, were willing to remain loyal to the British Crown if certain rights and privileges demanded by them were accorded.

The colonial Tories were content with conditions as they existed. They recognized the authority of the British to govern the colonies in accordance with the dictates of the King and his advisers. With the Declaration of Independence, the Whigs became enthusiastic advocates of separation. They declared in favor of an absolute breaking away from British rule. The Tories remained pro-British. Eventually, many sympathizers with the English colonial administration left the country.

In some states, during the war, the Whigs predominated. In others, Tories were in the majority. In some states there were, too, in which opinions were fairly well divided. When war was declared, the administrative affairs fell naturally into the hands of the Whigs, and were maintained by them throughout.

When the Revolution ended, the Whigs split into two parts; one faction, known as "Particularists," advocated the sovereignty of the states as units and favored confederation. The other, announced as the "Strong Government" party, favored a Constitution and a centralized Federal authority, to be recognized by all states as practically supreme.

FEDERALS AND ANTI-FEDERALS

Six years later, in 1787, the "Strong Government" men were identified and referred to as "Federalists." The "Particularists," taking the opposite view of the public affairs, were spoken of as "anti-Federalists."

The Federalists, favoring the ratification of a Constitution, and the anti-Federalists, who opposed its adoption, were, when the time came to put its provisions in force, avowed political antagonists. The history of political parties in the United States dates from this period.

The Federalists, or Federals, supported by Washington, John Adams, Hamilton, Madison, and Jay, began, in 1787, their career as a recognized party. From 1789 until 1800 they controlled the national government. From 1800 to 1816, when the party went out of existence, they remained in opposition. Their general policy was one of broad constitutional construction, which gave the national government great power. They advocated a tariff, internal revenue, the funding of the public debt, the establishing of a United States Bank, the organizing of a militia, and the assumption of state debts by the government. They favored England as against France.

The Federals elected Washington as the first President of the United States in 1789, and chose him a second time in 1792. Four years later, they elected John Adams as Washington's successor to the presi-

dential office. The end of the Adams administration, in 1800, marked the exit of the Federal party from power.

The most vital legislative and other measures passed or approved during Federal rule included the Constitution (1789); a tariff act with duties averaging about eight and one half per cent (1789); a "Bill of Rights," subsequently incorporated in ten Constitutional Amendments (1789); the establishing of a regular army (1789); the assumption and subsequent funding by the national government of the debts of the several states, incurred during the Revolutionary War and amounting to $18,271,786 (1790); the determining of a permanent seat for the national government in the District of Columbia (1790); the establishing of a national bank for twenty years with a capital of $10,000,000, one fifth being subscribed by the government (1791); the organizing of a militia, ordering the enrollment of all male white citizens between eighteen and forty-five years of age (1793); the ratification of the eleven amendments to the Constitution, limiting the judicial power of the United States as against the states, asserting the non-inability of the states (1794); the ordering of six frigates, three of the very heavy class, as the basis for an American navy (1794); the negotiations with England, by Chief Justice Jay, of a treaty of amity, commerce and navigation (1794); the passing of the Alien and Sedition Laws, the former for the expulsion of odious foreigners by the President, the latter to punish persons who unlawfully opposed or stirred up sedition against the Federal government or its officials (1798); and the removal of the national capital to Washington, D. C. (1800).

The provisions of the Alien and Sedition Laws proved to be so distasteful to the people that the prestige of the Federal party, under whose auspices

these measures were promulgated, fell rapidly and was never regained.

The supremacy of the party, from the time of its organization until its removal from power, was upheld largely by the superior organization and shrewd management of able leaders. It was never really popular, acting frequently in direct opposition to views and ideas most in favor with the masses. The party rule of non-interference with the affairs of other nations, particularly France, caused much dissatisfaction. The passage of bills to increase expenditure for purposes of national development was blocked by the anti-Federals on every possible occasion.

When in opposition, after the election of Jefferson to the presidency, in 1800, the Federal party, up to that time advocates of a state church, relinquished the idea. They fought against the purchase of Louisiana. After the purchase the Federals endeavored to bring about a secession of the northern states, believing that, with Louisiana added, the balance of power would rest permanently with the South. Through the opposition of Alexander Hamilton, this plan was frustrated.

When Jefferson was elected by the House, in 1880, a division took place in the Democratic-Republican party ranks. The adherents of Aaron Burr, who received seventy-three votes,—being an equal number with those of Jefferson—formed a party and called themselves Burrites. The antagonism between this faction and the regulars deepened as Burr became more active in furthering his ambitions. The Federalists endeavored to use this faction as a means to regain power. The Burrites, as a party, became extinct when Burr died.

In 1807, under Jefferson's second administration, Congress issued an Embargo Act, detaining all

American vessels in American ports and cutting off commercial intercourse with England and France to compel their recognition of the rights of neutrals; but as it failed in its purpose, it robbed the Republican-Democratic party of strength and gave the Federalists an opportunity to recuperate. Owing to a lack of proper leadership, however, they failed to reap a permanent advantage. In the presidential election of 1812, the Federal party had no ticket. They supported De Witt Clinton, an official of the Democratic-Republican Party, and opposed to the war with England. Madison, Republican, was reelected. The Federals protested vigorously throughout the war against a continuance of hostilities. In 1814, they held a convention at Hartford in favor of their cause, but without practical results. Their resolutions were declared to be disloyal. During their deliberations, a treaty of peace was signed at Ghent, December 24. With the advent of renewed prosperity, the Federal party leaders, being unpatriotic, fell out of favor with the people. Members of that party gradually left its ranks. Many joined the party in power. In 1816, at the presidential election, the Federals again voted with the Clintonians, supporting Rufus King for the presidency. King received only thirty-four votes, Monroe, the Democratic-Republican candidate, receiving one hundred and eighty-three. With this defeat the career of the Federal party ended. Questions involved in the old controversies between the parties had lost their significance, and party differences died out.

THE DEMOCRATIC-REPUBLICAN PARTY

The "Particularists" of 1781 became in 1787 "anti-Federalists." They had fought persistently and strenuously, in and out of Congress, against all ef-

forts to alter or amend the Articles of Confederation, when, on September 17 of that year, those articles were set aside and a Federal Constitution was adopted, the name "Federalist" having been chosen to indicate the party of the Constitution, formerly "Strong Government" men. Their opponents, squarely at issue with them on this and other questions, were willing to be recognized as "anti-Federalists."

Most prominent among the anti-Federal leaders were Patrick Henry, John Hancock, Samuel Adams, and George Clinton. These men and their followers held deep-rooted convictions antagonistic to the avowed Federal policy. They suspected their opponents of a desire to build up a terrorizing, oppressive, absolute, central government. They believed that the independence of the states as units would be entirely sacrificed. Concerning the newly made Constitution, they insisted on a strict interpretation of its provisions, refusing to countenance in any way the broad construction advocated and adopted by the Federal administration.

Alexander Hamilton and Thomas Jefferson were members of Washington's cabinet, the former being secretary of the treasury and the latter secretary of state. Each had his followers in Congress.

When the first Congress under the Constitution assembled in New York, March 4, 1789, there was but a small majority of Federalists, and these were in favor of the measures recommended by the administration. The ideas of Hamilton and Jefferson on state and national affairs formed the principal issues on which the political parties were divided during several succeeding administrations. Hamilton was the recognized leader of the Federal party. Jefferson was acknowledged as the head of the opposing political force.

The anti-Federals were aggressive in Congress.

They took an active part in all debates, disputing every vital point, contesting, inch by inch, every threatened encroachment on their principles. The financial policy of Hamilton, as exemplified in the bill for the assumption by the Union of state war debts, and in his project for the organization of a national bank, was strongly disapproved. In the opinion of the anti-Federalists, as voiced by Jefferson and Randolph, the proposed bank was not sanctioned by the Constitution.

Hamilton's bill to form a militia was condemned. The leaders of the French Revolution, at first applauded and endorsed by both parties, eventually lost, by their excesses, the countenance of the administration, only to be cheered on with redoubled zeal by the rank and file of the anti-Federalist party.

The Constitution, as amended, after a fair trial proved acceptable to the people. Opposition to it gradually died away. New issues sprang up.

The term "anti-Federals," as applied to the Jeffersonian party, seemed no longer appropriate. In 1791 the party name was changed in general usage to "Republican." The full title chosen was "Democratic-Republican." In 1792, this name "Republican" was formally applied, and the party's purpose was defined.

In April, 1793, Washington gave great offense to the Republicans by proclaiming neutrality with reference to the war then in progress between France and Spain, declaring that the United States should avoid complications with foreign nations. By this proclamation the Republicans, desirous to aid France, found their way obstructed. Jefferson declared that the proclamation wounded popular feelings and national honor. At the end of the year he resigned.

During the administration of John Adams, Federalist (1797-1802), Republican party sympathy with

France was more strongly manifested than at any previous time. Complications arose, but the Republicans stood firm in their friendship for France. The enlargement of the army and navy was resisted. The passage of the Alien, Sedition and Naturalization Laws (1798) was fiercely contested by the Republicans. Their opposition to the Alien Law was based on the belief that it lodged with the Executive too much power and was liable to great abuse. They objected to the Sedition Law on the ground that it restricted liberty of speech and of the press. Regarding the Naturalization Law, which provided that an alien must reside in the United States fourteen years before he could become a citizen, the Republicans protested that it kept back immigrants, allowed in the country too many persons owing no allegiance to the government, and was at variance with the accepted theory that the rights of Americans are the rights of human nature.

The discontent of the Republican party with the Federal administration found voice also in the Kentucky and Virginia resolutions (1798), the former asserting the right of each state to determine the extent of national authority; the latter denouncing the action of Congress for "infraction of the Constitution" by passing the Alien and Sedition Laws.

In the Sixth Congress (1799), there was a Federal majority in the House, but a rupture in the cabinet, disaffection in the Federalists' ranks, and a widespread feeling of irritation among the people concerning the provisions of the Alien and Sedition Laws, gave an impetus to the Republican cause which, together with a combination of favorable circumstances, finally landed the party in power, with Thomas Jefferson, their leader, as President of the United States. In the election of 1800, John Adams and Charles Cotesworth Pinckney were the candi-

dates of the Federals for President and Vice-President, respectively.—One faction of the Federals desired to have Pinckney for President.

Thomas Jefferson and Aaron Burr were the Republican candidates. Of the electors chosen, seventy-three were Republicans and sixty-five Federalists. The Republicans' vote of delegates showed seventy-three each for Jefferson and Burr. The decision fell to the House of Representatives. Jefferson was chosen in the ninety-sixth ballot.

On March 4, 1801, the first Democratic-Republican administration took office. James Madison, of Virginia, was appointed Jefferson's first secretary of state. The President, in his inaugural address, showed a desire to bring about unity of action between the Republicans and the Federalists.

The administration of Jefferson (Democratic-Republican, 1801-1809) met with public approval. The finances of the nation prospered. Material resources increased rapidly. The party in power successfully antagonized the Federal idea of a state church. The naturalization laws were modified so that a residence of five years and an application three years prior to admission gave the privilege of citizenship to aliens.

The purchase of Louisiana, in 1803, was a notable feature of Jefferson's first administration. One of the most important events at the close of his first term was the ratification of the Twelfth Amendment to the Constitution (1804), whereby each of the state electors was relieved from voting for two candidates for President, as had up to that time been required. At the end of 1805, the Democratic-Republican party, formerly anti-Federalists, began to use the name "Democrat" as the party designation.

During the same year, owing to the struggle on the European continent between Napoleon and the allied

powers, Jefferson inaugurated a vigorous foreign policy. By a second Embargo Act, in 1807, Congress ordered the detention of all American vessels in American ports, thus cutting off commercial intercourse with England and France. This law was afterward repealed, taking effect from March, 1809. Jefferson declined nomination for a third term.

The Democratic administration of Madison (Democratic-Republican, 1809-1817), was, in general policy, in harmony with the principles adopted by his immediate predecessors. The controversy with England was still pending. That country and France were still at a deadlock, and disregarding neighboring neutrals.

In 1811, the majority in Congress forced Madison to declare war against Great Britain as a condition of his reelection. In April, 1812, a third Embargo Act was passed by Congress, as a retaliatory measure against the imprisonment of six thousand American seamen. The Embargo lay for ninety days on all British vessels within the jurisdiction of the United States. On June 18, Congress declared war against England.

Massachusetts, Connecticut, and Rhode Island opposed the war, refused to furnish levies, and threatened to secede. The party was divided on the war issue. Henry Clay and John C. Calhoun led the war party. Madison was against such an aggressive policy, but yielded ultimately to party pressure. He was renominated in caucus and reelected in 1812. The war with England was popular in the South and the West.

In 1816, Congress, on the President's recommendation, enacted a protective tariff of about twenty-five per cent on imported cotton and woolen goods, and specific duties on wine. During the latter part of his administration, Madison declined to sanction internal

improvements, as being in his opinion unconstitutional.

By the election of Monroe, in 1816, the Democrats maintained their domination, but party issues died out, and "an era of good feeling" was inaugurated. Andrew Jackson aided greatly in subduing party strife.

Monroe favored internal improvements, but, like Madison, he felt that under the Constitution, strictly interpreted, Congress was unauthorized to undertake them. During his administration West Florida was surrendered, and East Florida was ceded by Spain to the United States in 1819. Five million dollars were paid, and our rights to Texas were relinquished. The Missouri Compromise, in 1820, was the ending of a fierce political struggle, into which the question of slavery largely entered. The petition of the territory of Missouri for admission to statehood as one of the slave states was stoutly resisted in Congress. By the Compromise it was finally admitted as a slave state, but on the condition that slavery be prohibited from the balance of the territory west of the Mississippi, north of 36° 30′ north latitude—the latitude of the southern border of Missouri.

Monroe was reelected in 1820. The "Monroe Doctrine" was announced in a message from the President to Congress, December 2, 1823. The principle involved is shown in the following extract from the message: "We owe it to candor, and to the amicable relations existing between the United States and the European Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety." In this declaration of policy it was also announced that the American continents, by the free and independent positions which they

had assumed and maintained, were henceforth not to be considered as subjects for future colonization by any European power. England joined in the protest. The allied powers suspended all further proselytizing operations. In 1824, Congress, by a narrow majority, enacted a new tariff, more highly protective than the old, the average rate being twenty-seven per cent. Monroe, under whose administration domestic industries had been revived and partisan hostilities minimized, declined nomination for a third term.

Andrew Jackson (Democratic-Republican) secured the largest popular vote, in 1824, after an exciting campaign against three other candidates, John Quincy Adams, Henry Clay, and William H. Crawford, all of the same party, or belonging to factions of the same party. They were all spoken of in a general way as "Republicans." The electoral vote gave Jackson, Adams, and Crawford precedence over Clay. The decision being left to the House of Representatives, Adams, Monroe's secretary of state, was chosen. As Monroe had brought about harmony among the factions before his retirement, the task of Adams was made easier. He continued the policy of his late chief, making Henry Clay his secretary of state. Differing from Monroe and Madison, Adams deemed internal improvements constitutional.

In 1828, the supporters of Jackson and Crawford declared themselves "Democrats," and abandoned the name "Republican." They selected the title of Democrat as a novel, distinct, and popular name. The beginning of the modern Democratic party dates from this time. Until 1836, the Democrats were frequently referred to as "Jackson's men." They claimed that, being believers in the letter of the Constitution, or close constructionists, their organization was sub-

stantially a reformation and continuation of the real party of Jefferson.

The supporters of John Quincy Adams retained the name "Republican," and prefixed the word "National." They proclaimed themselves followers of Jefferson, Madison, Monroe and Adams. They were broad constructionists, believing, as did the Federals, in a looser or more liberal interpretation of the Constitution than the Democrats.

The election of 1828 put Andrew Jackson (Democrat) in office. He made known his agreement with the views of his four Democratic predecessors. Jackson served two terms. A conspicuous feature of his administration was the removal of nearly seven hundred Federal office-holders, the vacancies being filled from the ranks of his political adherents. This episode marked the inauguration of the "spoils system," and the struggle for Federal office among partisans of each incoming administration. Jackson continued to carry out the policy of internal improvements. A tariff bill was passed in 1832, reducing the duties on wine, but increasing them on wool, the principle of taxation being still maintained. South Carolina protested vigorously against this measure.

In 1832, the first convention of the Democratic party was held at Baltimore. Jackson and Van Buren were nominated. The two-thirds rule was introduced in voting. This made a two-thirds vote of the whole number of votes of the convention necessary to constitute a choice.

South Carolina, in state convention, 1832, refused to recognize the Tariff Act of that year, and passed an ordinance declaring the tariff laws of 1828 and 1832 to be unconstitutional and "null and void," and these laws were not binding upon the state. This proceeding was condemned by Jackson in a message. The President declared that the Federal tariff law

must and should be enforced. The state convention, reconvening, repealed the ordinance.

In 1833, Jackson ordered the balance in the national banks to be used for payment of government current expenses, mentioning certain state banks as depositories. This step met with great disfavor, and the Senate declared his action unconstitutional. The sub-treasury plan was suggested. The removal to state banks was not made. The bank deposit agitators gave birth to the Whig party.

In 1836, Jackson issued a special circular ordering land sale payments to be made to the government in gold and silver. This induced a contraction of the currency and a scarcity of money.

Martin Van Buren (Democrat), Vice-President during Jackson's second term, attained the presidency in 1836. A year later a serious financial panic occurred—precipitated by the action of his predecessor regarding the removal of deposits and specie payments for land. The sub-treasury plan was adopted in 1840. Van Buren was defeated for reelection.

The agitation resulting from Jackson's order for removal of deposits from the United States Bank, gave the Whigs a great advantage. At the election of 1840 they proved strong enough to overthrow the Democratic administration. William Henry Harrison, Whig, was elected President, with John Tyler as Vice-President. The Whigs remained in power four years. Harrison died a month after his inauguration. This placed Tyler in the presidential chair.

The Democrats wrested control from the Whigs in 1844, electing James Knox Polk to the office of Chief Executive. He united the party and made it a strong fighting force against the Whigs. Texas was added to the Union during the Polk regime. War was declared against Mexico in April, 1846. It lasted until February, 1848, when, by the treaty of

Guadalupe Hidalgo, Mexico ceded New Mexico and Upper California. A Sub-Treasury Act, repealed by the Whigs, was re-enacted under Polk.

In 1846 a tariff "for revenue only" was entered on the statute book. The Oregon treaty, making the 49° parallel the dividing line between American and British territory, was ratified.

With the election of Zachary Taylor (Whig, 1848), as President, and Millard Fillmore as Vice-President, the Democrats stepped aside once more and became a formidable opposition party. Taylor's death took place in July, 1850. Fillmore succeeded to the presidential chair. Several important compromise measures were enacted in that year, a number of questions at issue between the parties being thus disposed of. The bills passed included the organizing of Utah and New Mexico into territories, without reference to slavery; the admission of California as a free state; the payment to Texas of $10,000,000 for her claim to New Mexico; the Fugitive Slave Law, providing for the return of slaves escaping from their masters; and the abolishment of the slave trade in the District of Columbia.

Again, in 1852, the pendulum swung in the opposite direction, Franklin Pierce (Democrat) being chosen as Fillmore's successor. Under Pierce the Kansas-Nebraska Bill was passed. This measure started slavery disputes anew, and created much unrest and anxiety in the vast territory affected by its provisions. Kansas had for a time two legislatures, one pro-slavery, the other anti-slavery. Civil war was waged between the parties represented in these two assemblies during the Pierce administration. The new Republican party came into being in 1854–'55.

James Buchanan (Democrat) succeeded Pierce in 1857. The Dred Scott decision, which excited

interest and much sectional feeling, was made two days after Buchanan's inauguration. Dred Scott was a Missouri slave, taken by his master to Illinois in 1834, then to Minnesota in 1838, thence back to Missouri, and was whipped for misconduct after arrival at his original domicile. He sued for damages, claiming through his lawyers that he had become free by residence on free soil. His claim was allowed by the Circuit Court, but disallowed on appeal in the State Supreme Court. This latter decision was upheld by Chief Justice of the United States Taney, it being decided that neither negro slaves, nor their descendants, whether slave or free, could become citizens under the Constitution of the United States. It was further ruled that it was unconstitutional for Congress to decree freedom to any territory, and declared that the Missouri Compromise was unconstitutional. The Southern states applauded Tracy's decision. Those of the North protested loudly against it.

The raid of John Brown into Virginia to free the slaves took place in October, 1859. The Democratic national convention met at Charleston, S. C., and decided on the slavery issue. The South demanded unequivocal assurance of the rights of citizens to establish slavery in the territories, and insisted that provision be made for recognition by the national government in sustaining that right. The supporters of Stephen Arnold Douglas declined to sanction these demands. The Southern Democrats seceded from the convention. The others adjourned without action. Subsequently, at Baltimore, Stephen A. Douglas, was nominated by the non-seceders. The seceders, or southern members, nominated John Cabell Breckinridge.

The election of Abraham Lincoln (Republican), in 1860, removed the Democrats from control of the na-

tional government. They remained out of power until the election of Grover Cleveland, in 1884. In the interval they took an active part in support of the several platforms issued at the national conventions of the party. Formidable opposition was shown to the financial legislation of Congress during Lincoln's first administration, during which the issue of $150,000,000 of legal tender notes, since known as "greenbacks," was authorized. The Democrats claimed that the Constitution gave no authority for such an issue. They also advocated the taxing of the national bonds, provided for by the Loan Act of 1861–'62.

The President's Emancipation Proclamation met a storm of Democratic disapproval. An act authorizing the enlistment of colored troops for service in the field was met with Democratic protests. The establishing by Congress of a Freedmen's Bureau (1864,-'65), for the protection of freedmen and fugitives, failed to secure Democratic support.

General George B. McClellan (Democrat), nominated in 1864, received twenty-one electoral votes, eleven Southern states not voting. The popular vote cast for him was 1,808,725 against 2,216,067 for Lincoln (Republican). President Lincoln was shot by an assassin and fatally wounded at Ford's Theatre, Washington, on April 14, 1865, his death occurring the next day. After his assassination and the accession of Andrew Johnson (Republican), the question of the reconstruction of the South and of the Democratic party became prominent. The Democratic party sustained President Johnson in his contention that the seceded states had never left the Union, and could not leave it, though they had broken their relations with it. They vehemently resisted the passing, over the President's veto, of the Reconstruction Act (1867). The ratification of the Thirteenth

Amendment to the Constitution, abolishing slavery, taking effect from December 18, 1865, was opposed by the Democrats in Congress. Other measures disapproved by them were the bill to enlarge the powers of the Freedmen's Bureau; the Fourteenth Amendment (1866), assuring civil rights to the freedmen; the act giving suffrage to negroes in the District of Columbia and the territories; measures aimed at the power of the President, who was antagonized by the party, and the impeachment of the President for alleged violation of an act—"Tenure of Office"—intended to curtail his authority.

Horatio Seymour (Democrat), nominated in 1868, received eighty electoral votes. The popular vote cast for him was 2,709,613 against 3,015,017 for General Ulysses S. Grant (Republican).

The contest in this election was chiefly upon issues growing out of the war and the reconstruction policy of Congress. During Grant's administration the Democrats opposed the passing of an act to suppress the "Ku-Klux Klan," a southern organization antagonistic to the Fourteenth and Fifteenth Amendments.

The Democratic party, in 1872, accepted Horace Greeley, the candidate of the "Liberal Republicans" as their nominee for President. His death occurred before the meeting of the Electoral College, and the vote was scattered, forty-two being given to Thos. A. Hendricks. The popular vote cast for Greeley was 2,834,079, against 3,597,070 for Grant. During Grant's second term the reconstructed Confederate states regained control of nearly all their state governments.

The bill for resumption of specie payments (1875), to take effect from January 1, 1879, met with opposition from the Democrats.

Samuel J. Tilden (Democrat), nominated in 1876, received one hundred and eighty-four electoral votes.

The popular vote officially recorded for him was 4,284,875, against 4,033,975 for Rutherford B. Hayes, Republican. The electoral vote was disputed; Florida, with four votes, and Louisiana, with eight, were contested. An electoral commission appointed by Congress finally decided in favor of Hayes by a majority of one. Federal interference with elections in the state was a fiercely fought issue of the Democrats during the Hayes administration.

The Forty-sixth Congress (1879–1880), for the first time since 1856, had a Democratic majority in Senate and House. The Hayes administration was uneventful, so far as Democratic partisan plans and measures were concerned. General Winfield Scott Hancock (Democrat), nominated in 1880, received one hundred and fifty-five electoral votes. The popular vote cast for him was 4,444,952, against 4,454,416 for James Abram Garfield (Republican).

The National Democratic Convention included in its platform "Home Rule," honest money, consisting of gold and silver and paper, convertible into coin, on demand; the strict maintenance of public faith, state and national; a tariff for revenue only; the subordination of the military to the civil power; and a general and thorough reform of the civil service. The defeat of Hancock and the election of Garfield, followed by the untimely death of the latter, in 1881, at the hands of an assassin, and the succession of Chester Alan Arthur, led to the postponement of many contemplated reforms.

Grover Cleveland (Democrat), nominated in 1884, received two hundred and nineteen electoral votes. The popular vote cast for him was 4,874,986, against 4,851,981 for James Gillespie Blaine (Republican). Measures passed during the Cleveland administration (1885–'89) included the Alien Landlord's Bill, limiting the holding of land and mines in territories

by foreigners; the Interstate Commerce Bill, providing for the appointment of five commissioners, with large powers, over railway charges; a bill for the suppression of polygamy among the Mormons; the Chinese Exclusion Bill; the Nicaragua Canal Bill, and enabling acts for the framing of state Constitutions for South Dakota, Montana, and Washington, and for their admission into the Union, also for the division of Dakota. When near the end of his term, the President sent to the House a tariff message, in which he agreed with the views of the Democratic tariff reformers of the Forty-eighth and Forty-ninth Congress.

Cleveland was renominated in 1888, and received one hundred and sixty-eight electoral votes. The popular vote cast for him was 5,536,242, against 5,440,708 for Benjamin Harrison (Republican). The defeat of the Democratic nominee for President carried with it the defeat of the Democratic House. The Democratic platform of 1888 endorsed the views of Cleveland on the tariff, and advocated the admission as states of Washington, Dakota, Montana, and New Mexico. In 1890 the Sherman Law was passed, directing the purchase each month of 4,500,000 ounces of silver bullion at the market prices, and the issuing of the same volume of Treasury notes, which should be legal tender in all cases.

Cleveland was nominated for a third term in 1892, and received two hundred and seventy-seven electoral votes. The popular vote cast for him was 5,554,267, against 5,175,201 for Harrison. The Democratic party was pledged by its platform of 1892 to repeal the Sherman Law and the McKinley Tariff Bill; to secure repose for the Southern states; to repeal all laws allowing Federal interference with elections. In the Fifty-third Congress the President and Congress were Democratic.

During Cleveland's second term, the Sherman Silver Bill was repealed, the Wilson Tariff Bill was substituted for the McKinley Bill, and the Federal election laws were annulled. In 1893 a financial panic occurred. As a result of aggressive British policy with reference to Venezuela, the President announced officially to the British Government the intention of the United States to enforce the Monroe Doctrine to the fullest extent. In order to suppress labor troubles arising from strikes among railroad men in Chicago, the government issued an injunction restraining strikers from interfering with trains carrying the mail.

William Jennings Bryan was the Democratic nominee in 1896. He received one hundred and seventy-six electoral votes. The popular vote cast for him was 6,502,925, against 7,104,779 for William McKinley (Republican). In the Democratic platform the money question was predominant. Bryan was endorsed by the regular Democratic Free Silver men and the People's Party. He was repudiated by the National or Gold Democrats, who nominated General John M. Palmer.

During the first McKinley administration (1897–1901), the Dingley Tariff Bill became a law (1897), taking the place of the Wilson Bill. In 1898, Idaho, Kansas, Nebraska, South Dakota, Washington, and Wyoming—all for Bryan in 1896—became Republican.

Bryan was renominated by the Democratic party in 1900. He was also the candidate of the People's Party and the Silver Republicans. He received one hundred and fifty-five electoral votes. The popular vote cast for him was 6,351,008, against 7,215,696 for McKinley. The platform declared against imperialism; the Porto Rico Law; the administration policy in the Philippines; militarism; private mon-

polies, trusts; and the Dingley tariff. It called for the evacuation of Cuba by United States officials; the upholding of the Monroe Doctrine; the election of United States senators by the people; the construction of the Nicaragua Canal; the establishing of a Department of Labor; statehood for the territories; irrigation of arid lands; the exclusion of Chinese; avoidance of alliances with foreign powers; and the repeal of the Spanish war taxes.

The Congressional election of 1902 gave one hundred and seventy-eight Democrats to the House of Representatives, the Fifty-eighth Congress consisting of three hundred and eighty-six members. In the Fifty-seventh Congress there were one hundred and forty-four Democrats, one hundred and ninety-eight Republicans, and nine Fusionists, in the House. The Senate, 1902–'03, contains thirty-two Democrats and fifty-six Republicans. There were two vacancies. The Chinese Exclusion Act was passed in 1902, also an act to repeal war revenue taxation. These measures were called for in the Democratic platform of 1900.

THE REPUBLICAN PARTY

The modern Republican party, first organized in 1854, had its origin in the fierce political fight precipitated by Stephen A. Douglas when he introduced in the Senate a measure known as the Kansas-Nebraska Bill, for the organization of two new territories and the repeal of the Missouri Compromise. The Douglas bill was widely condemned as an assault upon freedom. It was bitterly assailed from pulpit and platform, and also by the press. The anti-slavery element arose in great strength to oppose its passage. Men of all parties joined hands in the movement.

In February, 1854, at an enthusiastic public meeting called by Andrew E. Bovey at Ripon, Fond du Lac County, Wisconsin, it was resolved that if the Kansas-Nebraska Bill should pass, they would "throw old party organizations to the winds and organize a new party on the sole issue of the non-extension of slavery." At a second meeting, held in March, Mr. Bovey suggested the name "Republican." The bill did pass, and it received the President's signature on May 30th. Five weeks later, at a state convention held in Detroit, the name "Republican" was first formally given to the fusion of Whigs, Free-Soilers, many Know-Nothings, and such Democrats as were opposed to the extension of slavery. In such states as held elections during the remaining months of 1854 the new party was organized. In the following year much was done towards the completion of the organization. The Democratic party was defeated in most of the free state elections.

The first Republican national convention assembled at Philadelphia on June 17, 1856. John C. Fremont was nominated for the presidency. The platform condemned polygamy and slavery; required the admission of Kansas as a free state; advocated the laying of a railroad to the Pacific; and insisted that appropriations for river and harbor improvements were constitutional. Fremont received one hundred and fourteen electoral votes. The popular vote cast for him was 1,341,254, against 1,838,169 for James Buchanan (Democrat). At the end of 1857, the Republican party, pledged to resist the extension of slavery into free territory, controlled eleven states, and contested others at the elections. At the opening of the first session of the Thirty-sixth Congress, December, 1859, the Democrats were in the majority, having thirty-eight out of sixty-six members in the Senate, and ninety-three administration Democrats,

and thirty-one others, against one hundred and thirteen Republicans.

Abraham Lincoln was nominated for the presidency at the second national Republican convention, in 1860. The platform included protests against all "schemes for disunion;" interference with state rights in domestic affairs; the "sectional" policy of the Democrats; changes in the naturalization laws; extravagant public expenditures; slavery; and the sale to others of public lands held by actual settlers. The revision of duties of imports was advocated. Lincoln received one hundred and eighty electoral votes. The popular vote cast in his favor was 1,866,352, against 1,845,633 for John Cabell Breckinridge (Democrat).

During the Civil War, the Republicans in all the states formed the distinctive war party. In the President's inaugural message, he announced the policy of the administration to be one of conciliation, conservation, and restoration, this attitude taking the place of the concession policy of his immediate predecessor.

During the Lincoln administration, in 1861, the President called for 657,743 volunteers. He asked Congress for $400,000,000 for war expenses in putting down the rebellion. A loan of $250,000,000 was sanctioned. A specific duty tariff bill was passed in 1861. In 1862, the issue of $150,000,000 in legal tender notes was authorized. They became known as "greenbacks." During the same year colored troops were enlisted, and slavery in the territories was prohibited. Other measures passed were those providing for internal revenue; forbidding polygamy among the Mormons; chartering the Union Pacific Railroad; organizing the Department of Agriculture; and emancipating slaves of those secessionists who remained disloyal. Military provisions included a

draft of 300,000 nine-months' men, and a call for 600,000 volunteers.

The record of the administration in 1863 was a notable one. In financial affairs, a Bureau of Currency and national banks were established, and a loan of $900,000,000 was arranged for,—$300,000,000 for the current year, the balance for 1864. The slavery question and the war were dealt with in several ways. On New Year's day, the President issued a proclamation declaring all slaves in the country free. The Habeas Corpus Act was suspended in March. A draft of 300,000 men was ordered in June. Three hundred thousand volunteers were called for in October. In December, a proclamation of amnesty was issued.

The Fugitive Slave Law was repealed in 1864. The President's call for drafted men and volunteers during that year aggregated 1,500,000 men. Congress authorized the issue of $600,000,000 in bonds. The postal money order system was established. There was a split in the party in May, 1864. The "Radicals" met at Cleveland, Ohio, denounced the administration, and nominated Generals Fremont and Cochrane for presidential office. The President, in July, refused to sign the bill passed by Congress for reconstruction of the Southern states. The party disapproved of his action. In the same month a new tariff bill went into force.

Mr. Lincoln was renominated in 1864. The platform upheld the policy of "unconditional surrender," approved the Emancipation Proclamation, advocated the encouragement of foreign immigration, and endorsed the Monroe Doctrine. Lincoln received two hundred and twelve electoral votes. The popular vote cast in his favor was 2,203,831, against 1,808,725 for George B. McClellan (Democrat). The last war loan of $600,000,000 was authorized in Mar-

1865. On April 9, the war ended. On April 14, President Lincoln was assassinated. The day following, Andrew Johnson, Vice-President, succeeded to the presidency. His policy regarding the reconstruction of the seceded states, when fully developed, failed to satisfy the Republican party leaders. They refused their support, and finally a reconstruction measure was passed over his veto. The Thirteenth Amendment, abolishing slavery, went into force in December, 1865. The Fourteenth Amendment, securing civil rights to freedmen, became effective in July, 1868. The differences between Johnson and the Republican party led to efforts in the direction of curtailing his power. He was deprived of the right to issue an amnesty proclamation in January, 1867, but refused to submit; the command of the army was practically withdrawn from him, and the power of removal of civil officers, without the consent of the senate, was also taken away. Disagreements arising out of the removal by Johnson of Edwin M. Stanton, secretary of war, led to the President's impeachment. He was subsequently acquitted, after a trial extending over two months.

The treaty with Russia for the purchase of Alaska was concluded during Johnson's administration. General Ulysses S. Grant received the Republican nomination for the presidency in 1868. The platform denounced repudiation of public indebtedness; called for equalization and reduction of taxation; advocated the adoption of an adequate pension system; insisted on the proper protection of all citizens, native or naturalized, against arrest and imprisonment by foreign powers for acts done or words spoken in the United States; and urged the encouragement of immigration. General Grant received two hundred and fourteen electoral votes. The popular vote cast in

his favor was 3,015,017, against 2,709,613 for Horatio Seymour, Democrat.

The policy of reconstruction was vigorously pursued during Grant's administration. The Fifteenth Amendment, conferring the right of suffrage on the negro, was effected in 1870. The Republican press and Congress rejected the President's plan to establish a harbor and naval station and a partial protectorate at San Domingo. Under Grant, efforts were made to inaugurate civil service reform, but without success. A Labor Reform party sprang from the Trades Unions movement. The "Grangers," or "Patrons of Husbandry," a farmer's organization, also came into being. Several other parties arose during the Grant administration, including the temperance party, the national (greenback) party, the "straight-out" Democrats, and the "liberal" Republicans.

General Grant was renominated in 1872. The platform endorsed the Constitutional amendment; recommended reform of the civil service; the retention of national domain for free homes; tariff revision; generous pension laws; abolition of the franking privilege; adjustment of the relations between capital and labor; consideration of woman's rights; and the furtherance of American commerce and shipbuilding. General Grant received two hundred and eighty-six electoral votes. The popular vote cast in his favor was 3,597,070, against 2,834,679 for Horace Greeley, nominee of the Democratic and "liberal" Republican parties.

The second term of Grant brought him face to face with many difficulties connected with state governments. In the reconstructed states there were numerous local disturbances. Freedmen, in alliance with white politicians, at first held control in these states. Finally, the reconstructed Confederates, and those

who were in sympathy with them, regained almost complete political control. Much anxiety was felt throughout the country regarding the financial situation. The President favored specie payment. Many of the people, and their representatives in Congress, preferred an increase of paper currency. Resumption of specie payment was provided for in 1875, to take effect January 1, 1879.

Rutherford B. Hayes was nominated for the presidency in 1876. The platform advocated the complete pacification of the South, protested against sectarian education at the public expense, called for an investigation as to Chinese immigration, and condemned polygamy. Hayes, whose election was disputed, finally, by decision of an electoral commission, received one hundred and eighty-five electoral votes, his Democratic opponents, Samual J. Tilden, being credited with one hundred and eighty-four. The popular vote cast in favor of Hayes was 4,033,975, against 4,284,873 for Tilden. The Hayes administration was marked by the exercise on the President's part of a policy of conciliation. The use of Federal troops at elections caused much partisan strife. Efforts were made by the Democrats to obstruct the enactment of the Federal law on this subject.

James Abram Garfield was nominated for the presidency in 1880. The platform was devoted largely to a review of the Republican record. A thorough, radical and complete reform of the civil service was called for. Garfield received two hundred and fourteen electoral votes. The popular vote cast for him was 4,454,416, against 4,444,952 for Winfield Scott Hancock (Democrat). Early in the Garfield administration a controversy arose between the President and Senator Roscoe Conkling, of New York, respecting appointments. It led to the resig-

nation of Senators Conkling and Platt from the Senate. The President was shot on July 2, 1881, by an assassin. Chester Alan Arthur, Vice-President, succeeded to the office of Chief Executive. One of the chief events during his rule was the appointment of a Tariff Commission, in 1882, consisting of nine civilians. The Chinese Exclusion Act became effective in the same year. A comprehensive Civil Service Reform Bill was signed by the President in 1883.

James Gillespie Blaine was nominated for the presidency in 1884. The platform pledged the party to correct the irregularities of the tariff, and to reduce the surplus, at the same time it advocated protection for home industry. The party declared itself in favor of international bimetalism; the regulation of transportation; the establishment of a labor bureau; the prohibition of foreign contract labor; the protection of the sheep-raising industry; the amendment of the forfeited land grant; the withholding of land grants from aliens; and the increase of the navy. Blaine received one hundred and eighty-two electoral votes. The popular vote cast for him was 4,851,981, against 4,874,986 for Grover Cleveland (Democrat).

Benjamin Harrison was nominated for the presidency in 1888. The platform declared against combinations and trusts; advocated home rule in the territories, with admission as soon as qualified; urged Federal aid for public schools; favored the reduction of letter postage to one cent; and the defense of fishing rights in the northeast. Harrison received two hundred and thirty-three electoral votes. The popular vote cast for him was 5,440,708, against 5,536,242 for Cleveland. The currency question was a leading issue in the Harrison administration.

In 1890, a bill was passed authorizing the purchase each month of 4,500,000 ounces of silver bullion at market prices, treasury notes to that amount—legal

tender in all cases—to be issued. The McKinley Tariff Bill was signed by the President, October 6. Six states, Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming, were admitted to the Union during the Harrison administration. The annexation of Hawaii was arranged, but the necessary treaty was still in the hands of a senate committee when the presidential term ended.

Benjamin Harrison was renominated in 1892. The platform, on the currency question, demanded the use of both gold and silver as standard money, in such a way as to secure the parity of values of the two metals, so that the purchasing and debt-paying power of the dollar, whether silver, gold or paper, would be at all times equal. An international conference on bimetalism was advocated. The acquisition of the Nicaragua Canal was urged. The cession of arid lands to the states and territories to which they belonged, the extension of hearty support to the Columbian Exposition, and the establishment of a free-delivery postal system were among the chief measures found in the platform. Harrison received one hundred and forty-five electoral votes. The popular vote cast for him was 5,175,201, against 5,554,267 for Cleveland. In 1894, the Congressional electives gave the Republican party an overwhelming majority in the House.

William McKinley was nominated for the presidency in 1896. The platform endorsed the policy of a protective tariff; advocated reciprocity; the encouragement of sugar-growing in the United States; the protection of wool and woolen industries; the development of the merchant marine service by restoring the American policy of discriminating duties; sound money; liberal pensions; a vigorous foreign policy; the upholding of the Monroe Doctrine; friendly intervention in Cuba; enlargement of the navy;

prohibition of illiterate immigration; the maintenance of the civil service laws; national arbitration; free homesteads; admission of the territories; and extended rights for women. It also condemned lynching. McKinley received two hundred and seventy-one electoral votes, William Jennings Bryan (Democrat) receiving one hundred and seventy-six. The popular vote cast for him was 7,204,779, against 6,502,925 for Bryan. The Dingley Tariff Bill became a law July 24, 1897. Important legislation under the McKinley administration included a grant of $50,000 for relief of destitute citizens of the United States in Cuba; a grant of $50,000,000 to meet war expenses in the event of war with Spain; declaration of war against Spain; provision for the Twelfth Census; provision for free homesteads; and for the reorganization of the army.

McKinley was renominated in 1900, against William Jennings Bryan, renominated by the Democratic party. The platform reiterated sentiments previously expressed regarding the gold standard; free silver coinage; the trusts; a protective tariff; reciprocity; immigration; aid to American shipping; liberal pensions; civil service reform; statehood for the territories; and Cuban independence. It was insisted that the Fifteenth Amendment be lived up to in the South at elections. Declarations were made in favor of improved roads and highways; rural free delivery of postal matter; the reduction of the Spanish war taxes; new markets for surplus farm products; a liberal policy in the Philippines; a Department of Commerce; and the protection of American citizens abroad. McKinley received two hundred and ninety-two electoral votes. The popular vote cast for him was 7,215,696, against 6,351,998 for Bryan. President McKinley was shot by an assassin, September 6, 1901, and died September 14. The

dore Roosevelt, Vice-President, succeeded to the office of Chief Executive. Under his administration, measures passed in Congress, 1902; included the establishing of a permanent Census Bureau; the repeal of Spanish war taxes; a Chinese Exclusion Act; the purchase of the Panama Canal; and rural free delivery of mail matter.

MINOR PARTIES

In the foregoing text, endeavor has been made to give an outline of the history of the greater parties. The first of these, the Federal party, was, as we have seen, formed from the "Strong Government," or "Constitutional" party. It elected two presidents, i.e., Washington, who served two terms, and John Adams, who served one term. To summarize its policy: the Federal party advocated a tariff, internal revenue, the funding of the public debt, a United States bank, a militia, and the assumption of state debts by the government. This party favored England as against France; it opposed a war with England, and believed a protective tariff should be instituted. Its principal supporters were Washington, John Adams, Alexander Hamilton, James Madison, and John Jay. The Federal party existed from 1787 to 1816.

The Democratic-Republican party was formed from the anti-Federal party, the Republican or Jeffersonian party, and from such as called themselves Democrats and sympathized with the French Revolutionists. This party elected three presidents, each of whom, Jefferson, Madison, and Monroe, served two terms. It stood for state rights, enlarged personal freedom, France as against England, free trade (in 1800), war with England, internal improvements, the purchase of Louisiana, the purchase of Florida, the

Missouri Compromise, the Monroe Doctrine, and, in 1828, a protective tariff. The party was founded and led by Thomas Jefferson. It was in existence from 1793 to 1828.

The Democratic-Republican party, in the presidential campaign of 1824, split into four parts. This was its last appearance in a presidential contest. The Democratic (and Whig) party sprang from this division. Six Democratic presidents have been elected, including Jackson, serving two terms; Van Buren, Polk, Pierce, and Buchanan, one term each, and Cleveland, two terms. The party, in its platforms from time to time, favored internal improvements; state banks; the sub-treasury plan; state rights; free trade; tariff for revenue only; the annexation of Texas; the Mexican War; the Compromise of 1850; the Monroe Doctrine; the Dred Scott decision; the Fugitive Slave Law; and economical public expenditures. They opposed the agitation of the slavery question in any form or place; the coercion of the seceded states; the amelioration of the condition of the freed negroes; the Freedmen's Bureau; Chinese immigration; and autocratic government. The existence of the Democratic party dates from 1828.

The Republican party was formed from other parties (principally from the Whig party) on slavery issues. Six Republicans have occupied the presidential chair by election to that office, i.e., Lincoln, two terms; Grant, two terms; Hayes, Garfield, and Harrison, one term each; and McKinley, one full term and part of a second. The Republican party has, in its platforms and policy, favored the suppression of slavery; the suppression of the rebellion by all constitutional means; the emancipation of slaves; the prohibition of slavery; the citizenship of freedmen; the Monroe Doctrine; full payment of the national

debt; a protective tariff; a free ballot; generous pension legislation; adequate navy and coast defence; an increased army; and a liberal colonial policy. The existence of the Republican party dates from 1854.

The history of the minor parties is given chronologically in the order of their origin.

CLINTONIANS

The Clintonian party consisted of Republicans in Northern and Southern states who objected to the monopolizing of the national administration by Virginians, protesting against the caucus system, as it did not give the people an opportunity to select candidates. They were also dissatisfied with the foreign policy of Madison. They disapproved of long terms of office, also of an official regency. This party nominated De Witt Clinton of New York for President. He received eighty-nine electoral votes, Madison receiving one hundred and twenty-eight, in the presidential election of 1812.

PEACE PARTY

This was composed of Democratic-Republicans and Federalists, living mostly in New England. They opposed the War of 1812. At a convention held at Hartford, December, 1814, known as the Hartford Convention, resolutions were passed against the war. Before the convention adjourned, however, a treaty of peace was signed. The party went out of existence shortly afterwards.

DOUGHFACES

This name was first used and applied in 1820 to John Randolph, of Virginia, to members of Congress from the Northern states who supported the Missouri Compromise. Randolph was a bitter opponent of the measure.

PEOPLE'S PARTY

At the elections in the autumn of 1823, in the state of New York, the Republicans were divided upon the choice of presidential electors. Some wished them to be chosen by the state legislatures; others, by the people. The latter portion developed into a political organization called the People's Party.

COALITION PARTY

Certain members of the House of Representatives, in 1825, were supporters of Henry Clay for the presidency, but subsequently threw their votes to John Quincy Adams, with Clay's consent, in the "scrub race" for the presidency between Jackson, Adams, Clay, and Crawford, all Democratic-Republicans. These members were called the Coalition Party. It was largely a distinctive title rather than a party name.

ANTI-MASONIC PARTY

The creation of this party was caused by the disappearance, on September 29, 1826, of William Morgan, a Royal Arch Mason, of Genesee County, New York. Morgan had threatened to publish the secrets of Masonry. His arrest and confinement in jail for a debt of two dollars was followed by his removal to Fort Niagara, where he remained a short time. He then disappeared and was never seen afterwards. The event caused great excitement, the Masons being accused of putting him to death clandestinely. In the following year, Morgan's fate became a political issue. Anti-Masons became numerous in the principal western cities and towns. They insisted on the exclusion from office of the supporters of Masonry. The party remained in existence until 1834.

NATIONAL REPUBLICAN PARTY

This was formed, in 1828, from the "broad-construction" wing of the Democratic-Republican party. They favored internal improvements; protection; the United States Bank; and the division of proceeds of land sales among the states. They were opposed to the "spoils system." In 1834, six years after its formation, this party joined the Whigs. At the presidential election of 1828, the support of the party was given to John Quincy Adams, who received eighty-three electoral votes, Jackson (Democrat) receiving one hundred and seventy-eight; and in 1832 it supported Henry Clay, who received forty-nine electoral votes, Jackson receiving two hundred and nineteen. Two years after the defeat of Clay the party became extinct.

NULLIFICATION, OR CALHOUN PARTY

After the disruption of the Jackson cabinet, in 1831, Calhoun endeavored to form a party of his own, with a view to obtaining a presidential nomination. He became active in South Carolina and Georgia, encouraging slave owners to stand against the administration. He also advocated resistance to the tariff laws. The Nullification Party disappeared in 1833.

ABOLITIONISTS

This party was organized in 1833, and advocated the immediate emancipation of the slaves, the elevation of the colored race, and recognition of equality in civil and religious principles,—all to be brought about through moral suasion. The term "Abolitionist" remained in use until after the Civil War.

WHIG PARTY

This party was formed from a union of the National Republican and disrupted Democratic-Republi-

cans. Presidents Harrison and Tyler, Taylor and Fillmore, belonged to the Whig party. The party favored the non-extension of slavery; slavery agitation; a United States bank; a protective tariff; vigorous internal improvements; and the compromise of 1850. The Whigs opposed the Mexican War; the annexation of Texas; the Mexican War; state rights; and the Democratic policy towards slavery. Webster and Clay were the principal Whig party leaders. President Harrison died April 4, 1841. He served one month and forty-four days. Vice President Tyler succeeded to the office. During the Tyler administration [illegible]

and the abolition of the slave trade in the District of Columbia. Before the presidential campaign of 1852 opened, the Whigs found that the North, of necessity, aided the slavery issue. The Compromise Bills had removed many of their grievances. Their own platform conceded that the main causes of their contentions had been removed by legislation. Thereafter their existence was without justification. They split into factions, and, finally, in 1854, the Whig leaders, and the rank and file of the party, became absorbed in other organizations.

LOCO-FOCO PARTY

This name was first given by the Whig press to the anti-Monopolists, or "Equal Rights" branch, of the Democratic party in New York, in 1835. Members of this faction used lucifer matches, known as "loco-foco" matches, to relight the lights extinguished at an evening assemblage at Tammany Hall of an opposing faction, when the leaders of that faction desired to break up the meeting. For a time Democrats generally were referred to as "Loco-Focos."

ANTI-RENTERS

This party originated in the dissatisfaction of the tenantry on the Van Rensselaer estate in New York State. Disputes as to the possessor's right of title and claim of rents, started in 1795, were revived in 1839 on the death of Stephen Van Rensselaer, when an attempt was made to collect arrears of rental from the tenantry. The "anti-Renters" became an organized political body in the state. The movement was upheld by the Seward wing of the Whig party and the "Barn-burners," a section of the Democratic party in New York state. The movement resulted in a revision of the state Constitution of 1846, Sections

12–15 of Act I being added, abolishing all feudal tenures and converting the leases of tenants into freeholds.

LIBERTY PARTY

The Abolitionists had a single plank platform in 1839, declaring the necessity for a new party. They founded the Liberty party in 1840, at a national convention at Albany, New York. Many Whigs and Democrats joined. The party stood for the immediate abolition of slavery and claimed equal rights. They protested against the Fugitive Slave clause of the Constitution. James J. Birney was nominated for the presidency. He received 7,059 votes at the election. Birney was renominated in 1843, and received 62,300 votes at the presidential election of 1844. The Liberty party, or abolition vote, in New York in that year being chiefly a defection from Henry Clay, caused Clay's defeat for the presidency. In 1847, John P. Hale was nominated for the office of Chief Executive, but the party subsequently withdrew his name, the members going over to the Free-Soil party, organized in 1848.

NATIVE AMERICAN PARTY

This party seems to have been the forerunner of the American, or Know-Nothing party, of 1852. It was organized in 1843, as a result of a great inflow of foreigners into New York City. The leading ideas of the organization were opposition to Roman Catholicism and the election of aliens to office. The members of the party were usually spoken of as "Natives."

HUNKERS

This name was given in 1844 to a faction of the Democratic party in New York, led by William L.

With the disappearance of the Whig factions in 1854, the "Silver Grays" became extinct.

KNOW-NOTHING OR AMERICAN PARTY

This party was suddenly formed, in 1852, from members of other parties who were not in sympathy with indiscriminate foreign immigration. They advocated more stringent naturalization laws, aimed to exclude from office those of foreign birth, and protested against the efforts then being made to exclude the Bible from the public schools. The name originated from the fact that the leaders and members of the party when asked for some details of their work or purposes, usually declared that they knew nothing of any proposed plans.

The platform of the party contained the following sentiments: The Americans shall rule America. The states shall be united. No North, No South, No East, No West. No sectarian interference in legislation or in the administration of American law. Hostility to the assumptions of the Pope, though the hierarchy and priesthood, in a republic. Thorough reform in the naturalization laws. Free and liberal educational institutions for all sects and classes, with the Bible as a textbook.

The Know-Nothings nominated Millard Fillmore for president, in 1856. He received eight electoral votes, Buchanan (Democrat) receiving 1,741, and Fremont one hundred and fourteen. The popular vote cast for him was 874,538. In 1860, the party became merged in the Constitutional Union party.

DOUGLAS DEMOCRATS

The Democrats of Northern states who agreed with the views of Stephen A. Douglas, when the party divided in 1860 on the slavery issue, were de-

nominated "Douglas Men." They refused to endorse the demands of the South, at the national convention in that year, that an explicit assertion be made in the platform of the rights of citizens to establish slavery in the territories; and to be protected in that right by Federal authority.

BRECKINRIDGE DEMOCRATS

The Democrats of Southern states, who demanded what the Douglas Democrats refused to grant, were distinctively termed Breckinridge Democrats after their leader, John C. Breckinridge, of Kentucky, Democratic nominee of the convention of 1860 for the presidency.

CONSTITUTIONAL UNION PARTY

This party consisted of Democrats who had for their platform "the Union, the Constitution, and the Enforcement of Law." It succeeded the American or Know-Nothing party, but failed to develop much strength. The organization met at Baltimore, in May, 1860, and nominated John Bell, of Tennessee, and Edward Everett, of Massachusetts, for the presidential offices. Bell received thirty-nine electoral votes. The popular vote cast for him was 589,581. It is a matter of record that this Union party had more influence in the South than in the North. In 1876, James B. Walker, "American" nominee, received 2,636 votes. In 1880, John W. Phelps received seven hundred and seven votes. In 1884, no candidate appeared. In 1888, James W. Curtis received 1,501 votes.

KU-KLUX KLAN

In 1868, a secret society so named, opposed to negro suffrage, was organized in the South. This society issued lists of proscribed persons who were

money market and sustain values. Many advocates of this policy believed that such money ought not to be redeemed. It should, they argued, take the place of coin, becoming coined paper endorsed by the government for payment of all debts, public and private. The "Grangers," with few exceptions, approved of the Greenback party's policy, and joined the movement. At a national convention, in 1876, the Greenback party nominated Peter Cooper for President. The popular vote cast in his favor was 81,740. The National Greenback party was organized in 1878. It advocated the unlimited coinage of gold and silver, the substitution of greenbacks—national bills of credit made legal tender—for national bank notes, woman suffrage, and the bettering of the condition of the working people. James B. Weaver was nominated for President at the Greenback national convention, in 1880. The popular vote cast for him was 308,578. In 1884, the party nominated General Benjamin F. Butler. The popular vote cast in his favor was 133,825. This was the last appearance of the Greenback party, as such, in a presidential contest. In 1887, the Union Labor party took its place.

PROHIBITION PARTY

The Prohibition Party, first organized under the auspices of the Temperance party in 1872, nominated Green Clay Smith for the presidency in 1876. The platform favored legal prohibition of traffic in intoxicating liquors, woman suffrage, a direct presidential vote, and currency convertable into coin. The popular vote cast for Smith was 9,522. The principal plank in the Prohibition platform since that time has been in favor of absolute legal prohibition in intoxicants. Neal Dow, nominated for the presidency (1880), received 10,305 votes; John P. St. John (1884), 150,626; Clinton B. Fisk (1888), 246,876;

John Bidwell (1892), 264,133; Joshua Levering (1896), 132,007; John G. Woolley (1900) 208,194. The Prohibition platform (1900) made prohibition the greatest issue, condemned President McKinley for drinking and serving wine at the White House, rebuked the party policy of the administration in permitting liquor traffic in the Philippines, and appealed to all Christian voters for moral support in the campaign.

STALWARTS

This was a branch of the Republican party (1876), followers of Roscoe Conkling, Don Cameron, and John A. Logan, who were opposed to the conciliatory course of President Hayes toward the South. The Stalwarts favored the nomination of Grant for a third term. Conkling and a number of his friends opposed the plans of the Hayes administration toward reform of the civil service.

HALF-BREEDS

This name was used in a contemptuous way by the Stalwarts (1876), to designate Republicans who upheld the Hayes administration, generally opposed the nomination of Grant for a third term, and favored civil service reform.

INDEPENDENT REPUBLICANS

These were members of the Republican party in New York who were opposed to the dictation of Senator Conkling in controlling state affairs. The Conkling nominee for governor, Alonzo B. Cornell, was not acknowledged by the Independents. They refused to support him, and notwithstanding the aid given to Cornell, came close to defeating that candidate. The regular Republicans called the Independents "Scratchers."

READJUSTERS

These formed a division of the Democratic party in Virginia (1877), who advocated the funding of the state debt. General Mahone was the leader of this movement.

NATIONAL LIBERTY PARTY

In 1879, a convention was held in Cincinnati, and a platform was adopted advocating separation of church and state, equal rights, and universal education. There is no record of any effective activity subsequently displayed by the leaders or members of this party.

UNION LABOR PARTY

The successors of the National Greenback party named their organization the Union Labor Party. It came into being in 1887. Abner J. Streeter was nominated in 1888 for the presidency. The platform proclaimed, among other things, opposition to land monopoly in every form; forfeiture of unearned land grants; limitation of land ownership; homestead exemption to a limited extent, from execution or taxation; owning by the people of the means of communication and transportation; the circulating medium to be issued directly to the people and loaned upon land security at a low rate of interest; postal savings banks; free coinage of silver; application of all money in the United States Treasury to the payment of the bonded debt; no further issue of interest-bearing bonds, either by the national government, or by states, territories, or municipalities; arbitration to take the place of strikes and other injurious methods of settling labor disputes; service pension to every honorably discharged soldier and sailor of the United States; graduated income tax; United States sena-

tors elective by direct vote of the people; absolute exclusion of Chinese; the right to vote inherent in citizenship, irrespective of sex, and properly within the province of state legislation. The popular vote cast for Streeter was 146,836.

PEOPLE'S PARTY

This was known also as the Populist party, and it originated in 1891 at a meeting, in Cincinnati, of farmers, workmen, and miscellaneous bodies of men who sought political reform in various directions. Their proposition was to crystallize the political reform forces of the country. The name chosen by them for organization was the People's Party. They strongly endorsed the St. Louis platform of 1889, the Ocala platform of 1890, and that of Omaha, in 1891. They favored the abolition of national banks; the issue of legal-tender treasury notes; the supply of these notes when called for by the people to be a popular loan at not more than two per cent. per annum upon non-partisan products; and also upon real estate with "proper limitation upon the quantity of land and amount of money." They demanded, among other things, free and unlimited coinage of silver; the prohibition of alien ownership in lands; a graduated income tax; national control of all means of public communication and transportation; and the election of President, Vice-President, and the United States senators, by the people. The party nominated James B. Weaver for the presidency, in 1892. He received twenty-three electoral votes, Cleveland (Democrat) receiving two hundred and seventy-six and Harrison (Republican) one hundred and forty-five. The popular vote cast for him was 1,055,424. In 1896, the party agreed upon William Jennings Bryan, nominee of the regular Democrat and the Free-Silver factions, as their nominee. In 1900, the

"Middle-of-the-Road" Populists nominated Wharton Barker. The vote cast for him was 50,373. The "Silver Republicans" and the "National Farmers' Alliance" had sympathies in common with the People's Party.

SOCIALIST LABOR PARTY

The first national convention of this party was held in New York in 1892. In their platform they declared that private property in the national sources of production and in the instruments of labor, is the obvious cause of all economic servitude and political dependence. They favored the referendum in legislation; abolition of the veto power; the free administration of justice; the abolition of capital punishment; equal and universal suffrage; a direct and secret ballot; and the removal of public officers by their constituents. Smith Wing was nominated for the presidency. The popular vote cast for him was 21,164. In 1896, Charles H. Matchett received the nomination. The popular vote cast for him was 36,-274. In 1900, Maloney was offered for election. The popular vote cast for him was 39,739.

UNITED CHRISTIAN PARTY

This party held a convention and issued a platform in 1900 against desecration of the Sabbath and immoral laws, and favoring equality, prohibition, the Bible in schools, government ownership, and a direct vote. They nominated J. F. R. Leonard for President. He received 1,500 votes.

NATIONAL DEMOCRATS

These were called Gold Democrats, as opposed to the Regular and Silver Democrats. They met in convention, in 1896, and nominated General John M. Palmer for the presidency. He received 133,148 votes. No ticket was nominated in 1900.

THE
AMERICAN SYSTEM OF GOVERNMENT

THE AMERICAN SYSTEM OF GOVERNMENT

The National Government

CHAPTER I.

THE NATION AND THE STATES

The American Union is a Commonwealth of commonwealths, a Republic of republics, a State which, while one, is nevertheless composed of other States even more essential to its existence than it is to theirs.

When within a large political community smaller communities are found existing, the relation of the smaller to the larger usually appears in one or other of the two following forms: One form is that a League, in which a number of political bodies, be they monarchies or republics, are bound together so as to constitute for certain purposes, and especially for the purpose of common defense, a single body. The members of such a composite body or league are not individual men but communities. It exists only as an aggregate of communities, and will therefore vanish as soon as the communities which compose it separate themselves from one another. A familiar instance of this form is to be found in the Germanic Confederation as it existed from 1815 till 1866. The Hanseatic League in mediæval Germany, the Swiss Confederation down till the present century, are other examples.

In the second form, the similar communities are mere subdivisions of that greater one which we call Nation. They have been created, or at any rate they exist, for administrative purposes only. Such powers as they possess are powers delegated by the nation, and can be overridden by its will. The nation acts directly by its own officers, not merely on the communities, but upon every single citizen; and the nation, because it is independent of those communities, would continue to exist were they all to disappear. Examples of such minor communities may be found in the departments of modern France and the counties of modern England.

The American Federal Republic corresponds to neither of these two forms, but may be said to stand between them. Its central or national government is not a mere league, for it does not wholly depend on the component communities which we call the States. It is itself a commonwealth as well as a union of commonwealths, because it claims directly the obedience of every citizen, and acts immediately upon him through its courts and executive officers. Still less are the minor communities, the States, mere subdivisions of the Union, mere creatures of the national government, like the counties of England or the departments of France. They have over their citizens an authority which is their own, and not delegated by the central government. They have not been called into being by that government. They existed before it. They could exist without it. The American States are all inside the Union, and have all become subordinate to it. Yet the Union is more than an aggregate of States, and the States are more than parts of the Union. It might be destroyed, and they, adding a few further attributes of power to those they now possess, might survive as independent self-government communities.

This is the cause of that immense complexity which startles and at first bewilders the foreign student of American institutions, a complexity which makes American history and current American politics so difficult to the European who finds in them phenomena to which his own experience supplies no parallel. There are two loyalties, two patriotisms; and the lesser patriotism is jealous of the greater. There are two governments, covering the same ground, commanding, with equally direct authority, the obedience of the same citizen. A due comprehension of this double organization is the first and indispensable step to the comprehension of American institutions: as the elaborate devices whereby the two systems of government are kept from clashing are the most curious subject of study which those institutions present. How did so complex a system arise, and what influences have molded it into its present form? This is a question which cannot be answered without a few words of historical retrospect.

CHAPTER II.

THE ORIGIN OF THE CONSTITUTION

When in the reign of George III. troubles arose between England and her North American colonists, there existed along the eastern coast of the Atlantic thirteen little communities, all owning allegiance to the British Crown. But practically each colony was a self-governing commonwealth, left to manage its own affairs with scarcely any interference from home. Each had its legislature, its own statutes adding to or modifying the English common law, its local corporate life and traditions.

When the oppressive measures of the home government roused the colonies, they naturally sought to organize their resistance in common. Singly they

would have been an easy prey, for it was long doubtful whether even in combination they could make head against regular armies. A congress of delegates from nine colonies, held at New York in 1765, was followed by another at Philadelphia in 1774, at which twelve were represented, which called itself Continental (for the name American had not yet become established), and spoke in the name of "the good people of these colonies," the first assertion of a sort of national unity among the English of America. This congress, in which from 1775 onward all the colonies were represented, was a merely revolutionary body, called into existence by the war with the mother country. But in 1776 it declared the independence of the Colonies, and in 1777 it gave itself a new legal character by framing the "Articles of Confederation and Perpetual Union," whereby the thirteen States (as they now called themselves) entered into a "firm league of friendship" with one another, offensive and defensive, while declaring that "each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation delegated to the United States in Congress assembled."

This Confederation, which was not ratified by all the States till 1781, was rather a league than a national government, for it possessed no central authority except an assembly in which every State, the largest and the smallest alike, had one vote, and this authority had no jurisdiction over the individual citizens. The plan corresponded to the wishes of the colonists, but it worked badly, and was, in fact, as Washington said, no better than anarchy. Congress was impotent, and commanded respect as little as obedience.

Sad experience of their internal difficulties, and of the contempt with which foreign governments

treated them, at last produced a feeling that some firmer and closer union of the States was needed. A convention of delegates from five States met at Annapolis in Maryland, in 1786, to discuss methods of enabling Congress to regulate commerce. It drew up a report which condemned the existing state of things, declared that reforms were necessary, and suggested a further general convention in the following year to consider the condition of the Union and the needed amendments in its Constitution.

Such a convention was summoned and met at Philadelphia on the fourteenth of May, 1787, became competent to proceed to business on the twenty-fifth of May, when seven States were represented, and chose George Washington to preside. Delegates attended from every State but Rhode Island, and these delegates were the leading men of the country, influential in their several States, and now filled with a sense of the need for comprehensive reforms. The majority ultimately resolved to prepare a wholly new Constitution, to be considered and ratified by Congress nor by the state legislatures, but by the peoples of the several States.

The convention had not only to create de novo, on the most slender basis of preexisting national institutions, a national government for a widely scattered people, but they had in doing so to respect the fears and jealousies and apparently irreconcilable interests of thirteen separate commonwealths, to all of whose governments it was necessary to leave a sphere of action wide enough to satisfy a deep-rooted local sentiment, yet not so wide as to imperil national unity.

It was even a disputable point whether the colonists were already a nation or only the raw material out of which a nation might be formed. There were elements of unity, there were also elements of di-

versity. But while diversities and jealousies made union difficult, two dangers were absent which have beset the framers of constitutions for other nations. There were no reactionary conspirators to be feared, for every one prized liberty and equality. There were no questions between classes, no animosities against rank and wealth, for rank and wealth did not exist.

It was inevitable under such circumstances that the Constitution, while aiming at the establishment of a durable central power, should pay great regard to the existing centrifugal forces. It was, and remains what its authors styled it, eminently an instrument of compromises; it is perhaps the most successful instance in history of what a judicious spirit of compromise may effect.

The draft Constitution was submitted, as its last article provided, to conventions of the several States (i e., bodies specially chosen by the people for the purpose) for ratification. It was to come into effect as soon as nine States had ratified, and eventually it was ratified by all the States.

There was a struggle everywhere over the adoption of the Constitution, a struggle which gave birth to the two great parties that for many years divided the American people. The chief source of hostility was the belief that strong central government endangered both the rights of the States and the liberties of the individual citizen. Freedom, it was declared, would perish at the hands of her own children. Consolidation (for the word centralization had not yet been invented) would extinguish the state governments and the local institutions they protected. But the fear of foreign interference, the sense of weakness, both at sea and on land, against the military monarchies of Europe, was constantly before the mind of American statesmen, and made

them anxious to secure at all hazards a national government capable of raising an army and navy, and of speaking with authority on behalf of the new Republic.

Several of the conventions which ratified the Constitution accompanied their acceptance with an earnest recommendation of various amendments to it, amendments designed to meet the fears of those who thought that it encroached too far upon the liberties of the people. Some of these were adopted, immediately after the original instrument had come into force, by the method it prescribes, viz., a two-thirds majority in Congress and a majority in three fourths of the States. They are the amendments of 1791, ten in number, and they constitute what the Americans, following a venerable English precedent, call a Bill or Declaration of Rights.

The Constitution of 1789 deserves the veneration with which Americans have been accustomed to regard it. It is true that many criticisms have been passed upon its arrangement, upon its omissions, upon the artificial character of some of the institutions it creates. And whatever success it has attained must be in large measure ascribed to the political genius, ripened by long experience, of the Anglo-American race, by whom it has been worked, and who might have managed to work even a worse drawn instrument. Yet, after all deductions, it ranks above every other written constitution for the intrinsic excellence of its scheme, its adaptation to the circumstances of the people, the simplicity, brevity, and precision of its language, its judicious mixture of definiteness in principle with elasticity in details.

The American Constitution is no exception to the rule that everything which has power to win the obedience and respect of men must have its roots

deep in the past, and that the more slowly every institution has grown, so much the more enduring is it likely to prove. There is little in that Constitution that is absolutely new. There is much that is as old as Magna Charta. The men of the Convention had the experience of the English Constitution. That Constitution was very different then from what it is now. The powers and functions of the Cabinet, the overmastering force of the House of Commons, the intimate connection between legislation and administration, these which are to us now the main characteristics of the English Constitution were still far from fully developed. But in other points of fundamental importance of the Americans appreciated and turned to excellent account its spirit and methods.

Further, they had the experience of their colonial and state governments, and especially, for this was freshest and most in point, the experience of the working of the state constitutions, framed at or since the date when the colonies threw off their English allegiance. This experience taught them how much might safely be included in such a document and how far room must be left under it for unpredictable emergencies and unavoidable development.

Lastly, they had one principle of the English common law whose importance deserves special mention, the principle that an act done by any official person or law-making body in excess of his or its legal competence is simply void. Here lay the key to the difficulties which the establishment of a variety of authorities not subordinate to one another, but each supreme in its own defined sphere, necessarily involved. The application of this principle made it possible not only to create a national government which should leave free scope for the working of the State governments, but also so to divide the powers

of the national government among various persons and bodies as that none should absorb or overbear the others.

CHAPTER III.

THE NATURE OF THE FEDERAL GOVERNMENT

The acceptance of the Constitution of 1789 made the American people a nation. It turned what had been a League of States into a Federal State, by giving it a national government with a direct authority over all citizens. But as this national government was not to supersede the governments of the States, the problem which the Constitution-makers had to solve was two-fold. They had to create a central government to the States as well as to the individual citizens.

It must, however, be remembered that the Constitution does not profess to be a complete scheme of government, creating organs for the discharge of all the functions and duties which a civilized community undertakes. It presupposes the state governments. It assumes their existence, their wide and constant activity. It is a scheme designed to provide for the discharge of such and so many functions of government as the States do not already possess and discharge. It is, therefore, so to speak, the complement and crown of the State constitutions.

The administrative, legislative, and judicial functions for which the Federal Constitution provides are those relating to matters which must be deemed common to the whole nation, either because all the parts of the nation are alike interested in them, or because it is only by the nation as a whole that they can be satisfactorily undertaken. The chief of these common or national matters are:

War and peace: treaties and foreign relations generally.

Army and navy.

Federal courts of justice.

Commerce, foreign and domestic.

Currency.

Copyright and patents.

The post-office and post roads.

Taxation for the foregoing purposes, and for the general support of the Government.

The protection of citizens against unjust or discriminating legislation by any State.

This list includes the subjects upon which the national legislature has the right to legislate, the national executive to enforce the Federal laws and generally to act in defense of national interests, the national judiciary to adjudicate. All other legislation and administration is left to the several States, without power of interference by the Federal Legislature or Federal Executive.

The framers of this government set before themselves four objects as essential to its excellence, viz.,

Its vigor and efficiency.

The independence of each of its departments (as being essential to the permanency of its form).

Its dependence on the people.

The security under it of the freedom of the individual.

The first of these objects they sought by creating a strong executive; the second by separating the legislative, executive, and judicial powers from one another, and by the contrivance of various checks and balances; the third by making all authorities elective and elections frequent; the fourth both by the checks and balances aforesaid, so arranged as to restrain any one department from tyranny, and by

placing certain rights of the citizen under the protection of the written Constitution.

These men, practical politicians who knew how infinitely difficult a business government is, desired no bold experiments. They preferred, so far as circumstances permitted, to walk in the old paths, to follow methods which experience had tested. Accordingly they started from the system on which their own colonial governments, and afterward their State governments, had been conducted. They created an executive magistrate, the President, on the model of the State governor, and of the British Crown. They created a legislature of two Houses, Congress, on the model of the two Houses of their State legislatures, and of the British Parliament. And following the precedent of the British judges, irremovable except by the Crown and Parliament combined, they created a judiciary appointed for life, and irremovable save by impeachment. In these great matters, however, as well as in many lesser matters, they copied not so much the Constitution of England as the Constitutions of their several States, in which, as was natural, many features of the English Constitution had been embodied. It has been truly said that nearly every provision of the Federal Constitution that has worked well is one borrowed from or suggested by some State constitution.

The British Parliament had always been, was then, and remains now, a sovereign and constituent assembly. I can make and unmake any and every law, change the form of government or the succession to the Crown, interfere with the course of justice, extinguish the most sacred private rights of the citizen. Both practically and legally, it is to-day the only and the sufficient depository of the authority of the nation; and is therefore, within the sphere of law, irresponsible and omnipotent. In the American

system there exists no such body. Not merely Congress alone, but also Congress and the President conjoined, are subject to the Constitution, and cannot move a step outside the circle which the Constitution has drawn around them. If they do, they transgress the law and exceed their powers. Such acts as they may do in excess of their powers are void, and may be, indeed ought to be, treated as void by the meanest citizen. The only power which is ultimately sovereign, as the British Parliament is always and directly sovereign, is the people of the States, acting in the manner prescribed by the Constitution, and capable in that manner of passing any law whatever in the form of a constitutional amendment.

The subjection of all the ordinary authorities and organs of government to a supreme instrument expressing the will of the sovereign people, and capable of being altered by them only, has been usually deemed the most remarkable novelty of the American system. But it is merely an application to the wider sphere of the nation, of a plan approved by the experience of the several States. And the plan had, in these States, been the outcome rather of a slow course of historical development than of conscious determination taken at any one point of their progress from pretty settlements to powerful commonwealths.

CHAPTER IV.

THE PRESIDENT

Every one who undertakes to describe the American system of government is obliged to follow the American division of it into the three departments—Executive, Legislative, Judicial.

The President is the creation of the Constitution of 1789. Under the Confederation there was only a

presiding officer of Congress, but no head of the nation.

Why was it thought necessary to have a President at all? The fear of monarchy, of a strong government, of a centralized government, prevailed widely in 1787. The convention found it extremely hard to devise a satisfactory method of choosing the President. Yet it was settled very early in the debates of 1787 that the central executive authority must be vested in one person; and the opponents of the draft Constitution, while quarreling with his powers, did not accuse his existence.

The explanation is to be found not so much in the wish to reproduce the British Constitution as in the familiarity of the Americans, as citizens of the several States, with the office of State governor (in some States then called President) and in their disgust with the feebleness which Congress had shown. Opinion called for a man, because an assembly had been found to lack promptitude and vigor. And it may be conjectured that the alarms felt as to the danger from one man's predominance were largely allayed by the presence of George Washington. Even while the debates were proceeding, every one must have thought of him as the proper person to preside over the Union as he was then presiding over the convention. The creation of the office would seem justified by the existence of a person exactly fitted to fill it. Hamilton proposed that the head of the State should be appointed for good behavior, i.e., for life, subject to removal by impeachment. The proposal was defeated, though it received the support of persons so democratically-minded as Madison and Edmund Randolph; but nearly all sensible men admitted that the risk of foreign wars required the concentration of executive powers into a single hand. And the fact that in every one of their commonwealths

there existed an officer in whom the State Constitution vested executive authority, balancing him against the State legislature, made the establishment of a Federal chief magistrate seem the obvious course.

The statesmen of the Convention made an enlarged copy of the State governor, or a reduced and improved copy of the English king, shorn of a part of his prerogative by the intervention of the Senate in treaties and appointments, of another part by the restriction of his action to Federal affairs, while his dignity as well as his influence are diminished by his holding office for four years instead of for life. Subject to these and other precautions, he was meant by the Constitution-framers to resemble the State governor and the British king, not only in being the head of the executive, but in standing apart from and above political parties. He was to represent the nation as a whole, as the governor represented the State commonwealth, and to think only of the welfare of the people.

This idea appears in the method provided for the election of a President. To have left the choice of the chief magistrate to a direct popular vote over the whole country would have raised a dangerous excitement, and would have given too much encouragement to candidates of merely popular gifts. To have entrusted it to Congress would have not only subjected the executive to the legislature in violation of the principle which requires these departments to be kept distinct, but have tended to make him the creature of one particular faction instead of the choice of the nation. Hence the device of a double election was adopted. The Constitution directs each State to choose a number of presidential electors equal to the number of its representatives in both Houses of Congress. Some weeks later, these electors meet in each State on a day fixed by law, and give their votes in

writing for the President and Vice-President. The votes are transmitted, sealed up, to the capital, and there opened by the President of the Senate, in the presence of both Houses, and counted. To preserve the electors from the influence of faction, it is provided that they shall not be members of Congress, nor holders of any Federal office. Being themselves chosen electors on account of their personal merits, they would be better qualified than the masses to select an able and honorable man for President. Moreover, as the votes are counted promiscuously, and not by States, each elector's voice would have its weight. He might be in a minority in his own State, but his vote would nevertheless tell because it would be added to those given by electors in other States for the same candidate.

But the presidential electors have become a mere cog-wheel in the machine; a mere contrivance for giving effect to the decision of the people. Their personal qualifications are a matter of indifference. They have no discretion, but are chosen under a pledge—a pledge of honor merely, but a pledge which has never (since 1796) been violated—to vote for a particular candidate. In choosing them the people virtually choose the President, and thus the very thing which the men of 1787 sought to prevent has happened—the President is chosen by a popular vote.

In the first two presidential elections (in 1789 and 1792) the independence of the electors did not come into question, because everybody was for Washington, and parties had not yet been fully developed. Yet in the election of 1792 it was generally understood that electors of one way of thinking were to vote for Clinton as their second candidate (i.e., for Vice-President) and those of the other side for John Adams. In the third election (1796) no pledges were exacted from electors, but the election con-

test in which they were chosen was conducted on party lines, and although, when the voting by the electors arrived, some few votes were scattered among other persons, there were practically only two presidential candidates before the country, John Adams and Thomas Jefferson, for the former of whom the electors of the Federalist party, for the latter those of the Republican (Democratic) party were expected to vote. The fourth election was a regular party struggle, carried on in obedience to party arrangements. Both Federalists and Republicans put the names of their candidates for President and Vice-President before the country, and around these names the battle raged. The notion of leaving any freedom or discretion to the electors had vanished, for it was felt that an issue so great must and could be decided by the nation alone. From that day till now there has never been any question of reviving the true and original intent of the plan of double election, and consequently nothing has ever turned on the personality of the electors. They are now so little significant that to enable the voter to know for which set of electors his party desires him to vote, it is found necessary to put the name of the presidential candidate whose interest they represent at the top of the voting ticket on which their own names are printed.

The completeness and permanence of this change has been assured by the method which now prevails of choosing the electors. The Constitution leaves the method of each State, and in the earlier days many States entrusted the choice to their legislatures. But as democratic principles became developed, the practice of choosing the electors by direct popular vote spread by degrees, and popular election now rules everywhere. Thus the issue comes directly before the people. The parties nominate their

respective candidates, a "campaign" begins, the polling for electors takes place early in November, on the same day over the whole Union, and when the result is known the contest is over, because the subsequent meeting and voting of the electors in their several States is mere matter of form.

So far, the method of choice by electors may seem to be merely a roundabout way of getting the judgment of the people. It is more than this. It has several singular consequences, unforseen by the framers of the Constitution. It has made the election virtually an election by States, for the present system of choosing electors by "general ticket" over the whole State causes the whole weight of a State to be thrown into the scale of one candidate, that candidate whose list of electors is carried in the given State. Hence in a presidential election, the struggle concentrates itself mainly in the doubtful States where the great parties are pretty equally divided, and hence also a man may be, and has been, elected President by a minority of popular votes.

When such has been the fate of the plan of 1787, it need hardly be said that the ideal president, the great and good man above and outside party, whom the judicious and impartial electors were to choose, has not usually been secured. Nearly every president has been elected as a party leader by a party vote, and has felt bound to carry out the policy of the men who put him in power. Thus America has reproduced the English system of executive government by a party majority. In practice, the disadvantages of the American plan are less serious than might be expected, for the responsibility of a great office and the feeling that he represents the whole nation have tended to sober and control the President. Except as regards patronage, he has seldom acted as a mere tool of faction, or sought to base his

administrative powers to the injury of his political adversaries.

The Constitution prescribes no limit for the re-eligibility of the President. He may go on being chosen for one four-year period after another for the term of his natural life. But tradition has supplied the place of law. Elected in 1789, Washington submitted to be reelected in 1792. But when he had served this second term he absolutely refused to serve a third, urging the risk to republican institutions of suffering the same man to continue constantly in office. Jefferson, Madison, Monroe, and Jackson obeyed the precedent, and did not seek, nor their friends for them, reelection after two terms, and no man has ever been so reelected.

The Constitution requires for the choice of a President "a majority of the whole number of electors appointed." If no such majority is obtained by any candidate, i.e., if the votes of the electors are so scattered among different candidates, that out of the total number no one receives an absolute majority, the choice goes over to the House of Representatives, who are empowered to choose a President from among the three candidates who have received the largest number of electoral votes. In the House the vote is taken by States, a majority of all the States being necessary for a choice. As all the members of the House from a State have but one collective vote, it follows that if they are equally divided among themselves, e.g., if half the members from a given State are Democratic and half Republican, the vote of that State is lost. Supposing this to be the case in half the total number of States, or supposing the States so to scatter their votes that no candidate receives an absolute majority, then no President is chosen, and the Vice-President becomes President.

In this mode of choice, the popular will may be still

less recognized than it is by the method of voting through presidential electors, for if the twenty smaller States were, through their representatives in the House, to vote for candidate A, and the eighteen larger States for candidate B, A would be seated, though the population of the twenty smaller States is, of course, very much below that of the eighteen larger.

The Constitution seems, though its language is not explicit, to have intended to leave the counting of the votes to the President of the Senate (the Vice-President of the United States); and in early days this officer superintended the count, and decided questions as to the admissibility of doubtful votes. However, Congress has, in virtue of its right to be present at the counting, assumed the further right of determining all questions which arise regarding the validity of electoral votes. This would be all very well were a decision by Congress always certain of attainment. But it often happens that one party has a majority in the Senate, another party in the House, and then, as the two Houses vote separately and each differently from the other, a deadlock results.

These things point to a grave danger in the presidential system. The stake played for is so high that the temptation to fraud is immense; and as the ballots given for the electors by the people are received and counted by State authorities under State laws, an unscrupulous State faction has opportunities for fraud at its command. Congress not many years ago enacted a statute which to some extent meets the problem by providing that tribunals appointed in and by each State shall determine what electoral votes from State are legal votes; and that if the State has appointed no such tribunal, the two Houses of Congress shall determine which votes (in case of dou-

ble returns) are legal. If the Houses differ the vote of the State is lost.

A President is removable during his term of office only by means of impeachment. In obedience to State precedents, it is by the House of Representa- of the Supreme Court, the highest legal official of the Senate, sitting as a law court, with the Chief Justice ofthe Supreme Court, the highest legal official of the country, as presiding officer, that he is tried. A two-thirds vote is necessary to conviction, the effect of which is simply to remove him from and disqualify him for office, leaving him "liable to indictment, trial, judgment, and punishment, according to law." The impeachable offenses are "treason, bribery, or other high crimes and misdemeanors," an expression which some have held to cover only indictable offenses, while others extend it to include acts done in violation of official duty and against the interests of the nation.

In case of the removal of a President by his impeachment, or of his death, resignation, or inability to discharge his duties, the Vice-President steps into his place. The Vice-President is chosen at the same time, by the same electors, and in the same manner as the President. His only functions are to preside in the Senate and to succeed the President. Failing both President and Vice-President, it was formerly provided by statute, not by the Constitution, that the presiding officer for the time being of the Senate should succeed to the presidency, and, failing him, the Speaker of the House of Representatives, To this plan there was the obvious objection that it might throw power into the hands of the party opposed to that to which the lately deceased President belonged; and it has therefore been (1886) enacted that on the death of a President the Secretary of State shall succeed, and after him other officers of the administration, in the order of their rank.

CHAPTER V.

PRESIDENTIAL POWERS AND DUTIES

The powers and duties of the President as head of the Federal executive are the following:

Command of Federal army and navy and of militia of several States when called into services of the United States.

Power to make treaties, but with advice and consent of the Senate, i.e., consent of two thirds of senators present.

Power to appoint ambassadors and consuls, Judges of Supreme Court, and all other higher Federal officers, but with advice and consent of Senate.

Power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

Power to convene both Houses on extraordinary occasions.

Power to disagree with (i.e., to send back for re-consideration) any bill or resolution passed by Congress, but subject to the power of Congress to finally pass the same, after re-consideration, by a two-thirds majority in each House.

Duty to inform Congress of the state of the Union and to recommend measures to Congress.

Duty to receive foreign ambassadors.

Duty to "take care that the laws be faithfully executed."

Duty to commission all the officers of the United States.

These functions group themselves into four classes:

Those which relate to foreign affairs.

Those which relate to domestic administration.
Those which concern legislation.
The power of appointment.

The President has not a free hand in foreign policy. He cannot declare war, for that belongs to Congress, though he may bring affairs to a point at which it is hard for Congress to refrain from the declaration. Treaties require the approval of two thirds of the Senate; and in order to secure this, it is usually necessary for the Executive to be in constant communication with the Foreign Affairs Committee of that body. Practically, and for the purposes of ordinary business, the President is independent of the House, while the Senate, though it can prevent his settling anything, cannot keep him from unsettling everything. He, or rather his Secretary of State, retains an unfettered initiative, by means of which he may embroil the country abroad or excite passion at home.

The domestic authority of the President is in time of peace very small, because by far the larger part of law and administration belongs to the State governments, and because Federal administration is regulated by statutes which leave little discretion to the Executive. In war time, however, and especially in a civil war, it expands with portentous speed. Both as commander-in-chief of the army and navy, and as charged with the "faithful execution of the laws," the President is likely to be led to assume all the powers which the emergency requires. How much he can legally do without the aid of statutes is disputed, but it is at least clear that Congress can make him, as it did make Lincoln, almost a dictator. Without any previous legislative sanction President Lincoln issued his emancipation proclamations.

It devolves on the Executive as well as on Congress to give effect to the provisions of the Constitution whereby a republican form of government is guaranteed to every State: and a State may, on the application of its legislature, or executive (when the legislature cannot be convened), obtain protection against domestic violence. Where there are two governments disputing by force the control of a State, or where an insurrection breaks out, this power becomes an important one, for it involves the employment of troops, and enables the President to establish the government he prefers to recognize. Fortunately the case has been one of rare occurrence.

The President has the right of speaking to the nation by addresses or proclamations, a right not expressly conferred by the Constitution, but inherent in his position. On entering office, it is usual for the new magistrate to issue an inaugural address, stating his views on current public questions. He retains all rights of the ordinary citizen, including the right of voting at Federal as well as State elections in his own State.

The position of the President as respects legislation is a peculiar one. He is not a member of the legislature at all. He is an independent and separate power on whom the people, for the sake of checking the legislature and of protecting themselves against it, have specially conferred the function of arresting by his disapproval, its acts. He cannot introduce bills, either directly or through his ministers, for they do not sit in Congress. All that the Constitution permits him to do in this direction is to inform Congress of the state of the nation, and to recommend the measures which his experience in administration shows to be necessary. This latter function is discharged by the messages which the President addresses to Congress. The most import-

ant is that sent by the hand of his private secretary at the beginning of each session.

George Washington used to deliver his addresses orally, like an English king, and drove in a coach and six to open Congress with something of an English king's state. But Jefferson, when his turn came in 1801, whether from republican simplicity, as he said himself, or because he was a poor speaker, as his critics said, began the practice of sending communications in writing; and this has been followed ever since. The message usually discusses the leading questions of the moment, indicates mischiefs needing a remedy, and suggests the requisite legislation. But as no bills are submitted by the President, and as, even were he to submit them, no one of his ministers sits in either House to explain and defend them, the message is a shot in the air without practical result. It is rather a manifesto, or declaration of opinion and policy, than a step towards legislation. Congress is not moved: members go their own way and bring in their own bills.

Far more effective is the President's part in the last stage of legislation, for here he finds means provided for carrying out his will. When a bill is presented to him, he may sign it, and his signature makes it law. If, however, he disapproves of it, he returns it within ten days to the House in which it originated, with a statement of his grounds of disapproval. If both Houses take up the bill again and pass it by two-thirds majority in each House, it becomes law forthwith without requiring the President's signature. If it fails to obtain this majority it drops.

Considering that the arbitrary use, by George III. and his colonial governors, of the power of refusing bills passed by a colonial legislature had been a chief cause of the Revolution of 1776, it is to the credit of

the Americans that they inserted this apparently undemocratic provision in the Constitution of 1789. It has worked wonderfully well. Most Presidents have used it sparingly, and only where they felt either that there was a case for delay, or that the country would support them against the majority in Congress. Preverse or headstrong Presidents have been usually defeated by the use of the two-thirds vote to pass the bill over their objections.

The reasons why the veto provisions of the Constitution have succeeded appear to be two. One is that the President, being an elective and not a hereditary magistrate, is deemed to act for the people, is responsible to the people, and has the weight of the people behind him. The people regard him as a check, an indispensable check, not only upon the haste and heedlessness of their representatives, the faults that the framers of the Constitution chiefly feared, but upon their tendency to yield either to pressure from any section of their constituents, or to temptations of a private nature. He is expected to resist these tendencies on behalf of the whole people, whose interests may suffer from the selfishness as well of sections as of individuals. The other reason is that a veto can never take effect unless there is a substantial minority of Congress, a minority exceeding one third in one or other House, which agrees with the President. Should the majority threaten him he is therefore sure of considerable support.

In its practical working the presidential veto power furnishes an interesting illustration of the tendency of unwritten or flexible constitutions to depart from, of written or rigid constitutions to cleave to, the letter of the law. The strict legal theory of the rights of the head of the State is in this point exactly the same in England and in America. But whereas it is now the undoubted duty of an English king to as-

sent to every bill passed by both Houses of Parliament, however strongly he may personally disapprove its provisons, it is the no less undoubted duty of an American President to exercise his independent judgment on every bill, not sheltering himself under the representatives of the people, or foregoing his own opinion at their bidding.

As the President is charged with the whole Federal administration, and responsible for its due conduct, he must of course be allowed to choose his executive subordinates. But as he may abuse this tremendous power, the Constitution associates the Senate with him, requiring the "advice and consent" of that body to the appointments he makes. It also permits Congress to vest in the courts of law, or in the heads of departments, the right of appointing to "inferior offices." This last clause has been used to remove many posts from the nomination of the President. But a vast number still remains in his gift. The confirming power entrusted to the Senate has become a political factor of the highest moment. The framers of the Constitution probably meant nothing more than that the Senate should check the President by rejecting nominees who were personally unfit, morally or intellectually, for the post to which he proposed to appoint them. The Senate has always, except in its struggle with President Johnson, left the President free to choose his cabinet ministers. But it early assumed the right of rejecting a nominee to any other office on any ground which it pleased, as, for instance, if it disapproved his political affiliations, or simply if it disliked him, or wished to spite the President. Presently the senators from the State wherein a Federal office to which the President has made a nomination lay, being the persons chiefly interested in the appointment, and most entitled to be listened to by the rest of the Senate when considering

it, claimed to have a paramount voice in deciding whether the nomination should be confirmed. This claim was substantially yielded, for it applied all around and gave every senator what he wanted. The senators then proceeded to put pressure on the President. They insisted that before making a nomination to an office in any State he should consult the senators from that State who belonged to his own party, and be guided by their wishes. By this system, which obtained the name of the Courtesy of the Senate, the President was practically enslaved as regards appointments, because his refusal to be guided by the senator or senators within whose State the office lay exposed him to have his nomination rejected. The senators, on the other hand, obtained a mass of patronage by means of which they could reward their partisans, control the Federal civil servants of their State, and build up a faction devoted to their interests.

The right of the President to remove from office has given rise to long controversies. In the Constitution there is not a word about removals; and very soon after it had come into force the question arose whether, as regards those offices for which the confirmation of the Senate is required, the President could remove without its consent. In 1867, Congress, fearing that the President would dismiss a great number of officials who sided with it against him, passed an Act, known as the Tenure of Office Act, which made the consent of the Senate necessary to the removal of office-holders, even of the President's (so-called) cabinet ministers, permitting him only to suspend them from office during the time when Congress was not sitting. The constitutionality of this Act has been much doubted, and in 1887 it was, with general approval, repealed.

In no European country is there any personage to

whom the President can be said to correspond. If we look at parliamentary countries like England, Italy, Belgium, he resembles neither the sovereign nor the prime minister, for the former is not a party chief at all, and the latter is palpably and confessedly nothing else. The President enjoys more authority, if less dignity, than a European king. He has powers for the moment narrower than a European prime minister, but these powers are more secure, for they do not depend on the pleasure of parliamentary majority, but run on to the end of his term. One naturally compares him with the French President, but the latter has a prime minister and cabinet, dependent on the chamber, at once to relieve and to eclipse him: in America the President's cabinet is a part of himself and has nothing to do with Congress.

The difficulty in forming a just estimate of the President's power arises from the fact that it differs so much under ordinary and under extraordinary circumstances. In ordinary times the President may be compared to the senior or managing clerk in a large business establishment, whose chief function is to select subordinates, the policy of the concern being in the hands of the board of directors. But when foreign affairs become critical, or when disorders within the Union require his intervention, when, for instance, it rests with him to put down an insurrection or to decide which of two rival State governments he will recognize and support by arms, everything may depend on his judgment, his courage, and his hearty loyalty to the principles of the Constitution.

It used to be thought that hereditary monarchs were strong because they reigned by a right of their own, not derived from the people. A President is strong for the exactly opposite reason, because his rights come straight from the people. Nowhere is

the rule of public opinion so complete as in America, nor so direct, that is to say, so independent of the ordinary machinery of government. Now, the President is deemed to represent the people no less than do the members of the legislature. Public opinion governs by and through him no less than by and through them, and makes him powerful even against the legislature.

Although recent Presidents have shown no disposition to strain their authority, it is still the fashion in America to be jealous of the President's action, and to warn citizens against what is called "the one-man power." This is due to the fear that a President repeatedly chosen would become dangerous to republican institutions. The President has a position of immense dignity, an unrivaled platform from which to impress his ideas upon the people. But it is hard to imagine a President overthrowing the existing Constitution. He has no standing army and he cannot create one. Congress can checkmate him by stopping supplies. There is no aristocracy to rally around him. Every State furnishes an independent center of resistance. If he were to attempt a coup d'etat, it could only be by appealing to the people against Congress, and Congress could hardly, considering that it is reelected every two years attempt to oppose the people. One must suppose a condition bordering on civil war, and the President putting the resources of the Executive at the service of one of the intending belligerents, already strong and organized, in order to conceive a case in which he would be formidable to freedom. If there be any danger, it would seem to lie in another direction. The larger a community becomes the less does it seem to respect an assembly, the more it is attracted by an individual man. A bold President who knew himself to be supported by a majority in the country, might be temp-

ted to override the law, and deprive the minority of the protection which the law affords it. He might be a tyrant, not against the masses, but with the masses. But nothing in the present state of American politics gives weight to such apprehensions.

CHAPTER VI

THE CABINET

Almost the only reference in the Constitution to the ministers of the President is that contained in the power given him to "require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices." All these departments have been created by Acts of Congress. Washington began in 1789 with four only, at the head of whom were the following four officials:

Secretary of State.
Secretary of the Treasury.
Secretary of War.
Attorney-General.

In 1798 there was added a Secretary of the Navy, in 1829 a Postmaster-General, in 1849 a Secretary of the Interior, and in 1888 a Secretary of Agriculture.

These now make up what is called the cabinet. All are appointed by the President, subject to the consent of the Senate (which is practically never refused), and may be removed by the President alone. None of them can vote in Congress, the Constitution providing that "no person holding any office under the United States shall be a member of either House during his continuance in office." This restriction was intended to prevent the President not merely from winning over individual members of Congress by the allurements of office, but also from making

his ministers agents in corrupting or unduly influencing the representatives of the people, as George III. and his ministers corrupted the English Parliament. The Constitution contains nothing to prevent ministers from being present in either House of Congress and addressing it. It is entirely silent on the subject of communications between officials (other than the President) and the representatives of the people.

The President has the amplest range of choice for his ministers. He usually forms an entirely new cabinet when he enters office, even if he belongs to the same party as his predecessor. He may take men who not only have never sat in Congress, but have not figured in politics at all, who may never have sat in a State legislature nor held the humblest office. Usually, of course, the persons chosen have already made for themselves a position of at least local importance. Often they are those to whom the new President owes his election, or to whose influence with the party he looks for support in his policy. Sometimes they have been his most prominent competitors for the party nominations. Thus Mr. Lincoln in 1860 appointed Mr. Seward and Mr. Chase to be his Secretary of State and Secretary of the Treasury respectively, they being the two men who had come next after him in the selection by the Republican party of a Presidential candidate.

The most dignified place in the cabinet is that of the Secretary of State. It is the great prize often bestowed on the man to whom the President is chiefly indebted for his election, or at any rate on one of the leaders of the party. In early days, it was regarded as the stepping-stone to the presidency. Jefferson, Madison, Monroe, and J. Q. Adams had all served as secretaries to preceding presidents. The conduct of foreign affairs is the chief duty of the State Department: its head has therefore a larger

stage to play on than any other minister, and more chances of fame. The foreign policy of the administration is practically that of the Secretary, except so far as the latter is controlled by the Senate, and especially by the chairman of its committee on Foreign Relations. The State Department has also the charge of the great seal of the United States, keeps the archives, publishes the statutes, and of course instructs and controls the diplomatic and consular services.

The Secretary of the Treasury is minister of finance. His function was of the utmost importance at the beginning of the government, when a national system of finance had to be built up and the Federal Government rescued from its grave embarrassments. Hamilton, who then held the office, effected both. During the Civil War, it became again powerful, owing to the enormous loans contracted and the quantities of paper money issued, and it remains so now, because it has the management (so far as Congress permits) of the currency and the national debt. The Secretary has, however, by no means the same range of action as a finance minister in European countries, for as he is excluded from Congress, although he regularly reports to it, he has nothing directly to do with the imposition of taxes, and very little with the appropriation of revenue to the various burdens of the State.

The Secretary of the Interior is far from being the omnipresent power which a minister of the interior is in France or Italy, or even a Home Secretary in England, since nearly all the functions which these officials discharge belong in America to the State governments or to the organs of local government. He is chiefly occupied in the management of the public lands, still of immense value, despite the lavish grants made to railway companies, and with the con-

duct of Indian affairs. Patents and pensions also belong to his province.

The duties of the Secretary of War, the Secretary of the Navy, the Postmaster-General, and the Secretary of Agriculture, may be gathered from their names. The Attorney-General needs a word of explanation. He is not only public prosecutor and standing counsel for the United States, but also to some extent what is called on the European continent a minister of justice. He has a general oversight—it can hardly be described as a control—of the Federal judicial departments, and especially of the prosecuting officers called district attorneys, and executive court officers, called United States marshals. He is the legal adviser of the President in those delicate questions, necessarily frequent under the Constitution of the United States, which arise as to the limits of the executive power and the relations of Federal to State authority, and generally in all legal matters. His opinions are frequently published offically, as a justification of the President's conduct, and an indication of the view which the Executive takes of his legal position and duties in a pending matter.

In the constitutional monarchies of Europe the sovereign is irresponsible and the minister responsible for the acts which he does in the sovereign's name. In America the President is responsible because the minister is nothing more than his servant, bound to obey him, and independent of Congress. The minister's acts are therefore legally the acts of the President. Nevertheless the minister is also responsible and liable to impeachment for offenses committed in the discharge of his duties.

So much for the ministers taken separately. It remains to consider how an American administration works as a whole, this being in Europe, and

particularly in England, the most peculiar and significant feature of the parliamentary or so-called "cabinet" system.

In America the administration does not work as a whole. It is not a whole. It is a group of persons, each individually dependent on and answerable to the President, but with no joint policy, no collective responsibility.

When the Constitution was established, and George Washington chosen first President under it, it was intended that the President should be outside and above party, and the method of choosing him by electors was contrived with this very view. Washington belonged to no party, nor indeed, though diverging tendencies were already manifest, had parties yet begun to exist. There was therefore no reason why he should not select his ministers from all sections of opinion.

As all subsequent Presidents have been seated by one or other party, all have felt bound to appoint a party cabinet. Their party expects it from them; and they naturally prefer to be surrounded and advised by their own friends.

So far, an American cabinet resembles an English one. It is composed exclusively of members of one party. But now mark the differences. The parliamentary system of England and of those countries which like Belgium, Italy, and the self-governing British colonies, have more or less modeled themselves upon England, rests on four principles.

The head of the executive (be he king or governor) is irresponsible. Responsibility attaches to the cabinet, i.e., to the body of ministers who advise him, so that if he errs, it is through their fault; they suffer and he escapes. The ministers cannot allege, as a defense for any act of theirs, the command of the Crown. If the Crown gives them an order of which

they disapprove, they ought to resign. The ministers sit in the legislature, practically forming in England, as has been observed by the most acute of English constitutional writers, a committee of the legislature, chosen by the majority for the time being. The ministers are accountable to the legislature, and must resign office as soon as they lose its confidence. The ministers are jointly as well as severally liable for their acts: i.e., the blame of an act done by any of them falls on the whole cabinet, unless one of them chooses to take it entirely on himself and retire from office. Their responsibility is collective.

None of these principles holds true in America. The President is personally responsible for his acts, not indeed to Congress, but to the people, by whom he is chosen. No means exist of enforcing this responsibility, except by impeachment, but as his power lasts for four years only, and is much restricted, this is no serious evil. He cannot avoid responsibility by alleging the advice of his ministers, for he is not bound to follow it, and they are bound to obey him or retire. The ministers do not sit in Congress. They are not accountable to it, but to the President, their master. It may request their attendance before a committee, as it may require the attendance of any other witness, but they have no opportunity of expounding and justifying to Congress, as a whole, their own, or rather their master's, policy. Hence an adverse vote of Congress does not affect their or his position. If they propose to take a step which requires money, and Congress refuses the requisite appropriation, the step cannot be taken. But a dozen votes of censure will neither compel them to resign nor oblige the President to pause in any line of conduct which is within his constitutional rights.

In this state of things one cannot properly talk of

the cabinet apart from the President. While the President commits each department to the minister whom the law provides, and may if he chooses leave it altogether to that minister, the executive acts done are his own acts, by which the country will judge him; and still more is his policy, as a whole, his own policy, and not the policy of his ministers taken together. A significant illustration of the contrast between the English and the American systems may be found in the fact that whereas an English king never now sits in his own cabinet, because if he did he would be deemed accountable for its decisions, an American President always does, because he is accountable, and really needs advice to help him, not to shield him.

CHAPTER VII.

THE SENATE

The National Legislature of the United States, called Congress, consists of two bodies, sufficiently dissimilar in composition, powers, and character to require a separate description.

The Senate consists of two persons from each State, who must be inhabitants of that State, and at least thirty years of age. They are elected by the legislature of their state for six years, and are re-eligible. One third retires every two years, so that the whole body is renewed in a period of six years, the old members being thus at any given moment twice as numerous as the new members elected within the last two years. A majority of all the members constitutes a quorum.

No senator can hold any office under the United States. The Vice-President of the Union is ex-officio President of the Senate, but has no vote, except a casting one when the numbers are equally divided.

Failing him (if, for instance, he dies, or falls sick, or succeeds to the presidency), the Senate choses one of its number to be president pro tempore. His authority in questions of order is very limited, the decision of such questions being held to belong to the Senate itself.

The functions of the Senate fall into three classes —legislative, executive, and judicial. Its legislative function is to pass, along with the House of Representatives, bills which become Acts of Congress on the assent of the President, or even without his consent if passed a second time by a two-thirds majority of each House, after he has returned them for reconsideration. Its executive functions are:—(a) To approve or disapprove of the President's nominations of Federal officers, including judges, ministers of state, and ambassadors. (b) To approve, by a majority of two thirds of those present, of treaties made by the President—i.e., if less than two thirds approve, the treaty falls to the ground. Its judicial function is to sit as a court for the trial of impeachments preferred by the House of Representatives.

The most conspicuous, and what was at one time deemed the most important feature of the Senate, is that it represents the several States of the Union as separate commonwealths, and is thus an essential part of the Federal scheme. Every State, be it as great as New York or as small as Delaware, sends two senators, no more and no less. This arrangement was long resisted by the delegates of the larger States in the Convention of 1787, and ultimately adopted because nothing less would reassure the smaller States, who feared to be over-borne by the larger. It is now the provision of the Constitution most difficult to change, for "no State can be deprived of its equal suffrage in the Senate without its consent," a consent most unlikely to be given. There

has never, in point of fact, been any division of interests or consequent contests between the great States and the small ones.

The Senate also constitutes, as Hamilton anticipated, a link between the State Governments and the National Government. It is a part of the latter, but its members derive their title to sit in it from their choice by State legislatures. In one respect this connection is no unmixed benefit, for it has helped to make the national parties powerful, and their strife intense, in the last-named bodies. Every vote in the Senate is so important to the great parties that they are forced to struggle for ascendancy in each of the State legislatures by whom the senators are elected. The method of choice in these bodies was formerly left to be fixed by the laws of each State, but as this gave rise to much uncertainty and intrigue, a Federal statute was passed in 1866 providing that each House of a State legislature shall first vote separately for the election of a Federal senator, and that if the choice of both Houses shall not fall on the same person, both Houses in joint meeting shall proceed to a joint vote, a majority of each House being present. Even under this arrangement, a senatorial election often leads to long and bitter struggles; the minority endeavoring to prevent a choice and so keep the seat vacant.

The method of choosing the Senate by indirect election has excited the admiration of some foreign critics, who have found in it a sole and sufficient cause of the excellence of the Senate as a legislative and executive authority. But the election of senators has in substance almost ceased to be indirect. They are still nominally chosen, as under the letter of the Constitution they must be chosen, by the State legislatures. The State legislature means, of course, the party for the time dominant, which holds

a party meeting (caucus) and decides on the candidate, who is thereupon elected, the party going solid for whomsoever the majority has approved. Now, the determination of the causus has almost always been arranged beforehand by the party managers. Sometimes when a vacancy in a senatorship approaches, the aspirants for it put themselves before the people of the State. Their names are discussed at the state party convention held for the nomination of party candidates for State offices, and a vote in that convention decides who shall be the party nominee for the senatorship. This vote binds the party within and without the State legislature, and at the election of members for the State legislature, which immediately precedes the occurrence of the senatorial vacancy, candidates for seats in that legislature are generally expected to declare for which aspirant to the senatorship they will, if elected, give their votes.

Members of the Senate vote as individuals, that is to say, the vote a senator gives is his own and not that of his State. It was otherwise in the Congress of the old Confederation before 1789. At present the two senators from a State may belong to opposite parties; and this often happens in the case of senators from States in which the two great parties are pretty equally balanced, and the majority oscillates between them. This fact has largely contributed to render the senators independent of the State legislatures, for as these latter bodies sit for short terms (the larger of the two houses usually for two years only), a senator has during the greater part of his six years' term to look for reelection not to the present but to a future State legislature.

The length of the senatorial terms was one of the provisions of the Constitution which were most warmly attacked and defended in 1788. A six years'

tenure, it was urged, would turn the senators into dangerous aristocrats, forgetful of the legislature which had appointed them; and some went so far as to demand that the legislature of a State should have the right to recall its senators. Experience has shown that the term is by no means too long; and its length is one among the causes which have made it easier for senators than for members of the House to procure reelection, a result which has worked well for the country.

The Senate resembles the Upper Houses of Europe, and differs from those of the British colonies, and of most of the States of the Union, in being a permanent body. It does not change all at once, as do bodies created by a single popular election, but undergoes an unceasing process of gradual change and renewal, like a lake into which streams bring fresh water to replace that which the issuing river carries out. This provision was designed to give the Senate that permanency of composition which might qualify it to conduct or control the foreign policy of the nation. An incidental and more valuable result has been the creation of a set of traditions and a corporate spirit which have tended to form habits of dignity and self-respect. Though the balance of power shifts from one party to another according to the predominance in the State legislatures of one or other party, it shifts more slowly than in bodies directly chosen all at once, and a policy is therefore less apt to be suddenly reversed.

The legislative powers of the Senate are, except in one point, the same as those of the House of Representatives. That one point is a restriction as regards money bills. On the ground that it is only by the direct representatives of the people that taxes ought to be levied, and in obvious imitation of the venerable English doctrine, which has already found a

place in several State constitutions, the Constitution provides that "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills." In practice, while the House strictly guards its rights of origination, the Senate largely exerts its power of amendment, and wrangels with the House over taxes, and still more keenly over appropriations. Almost every session ends with a dispute, a conference, a compromise. Among the rules of the Senate there is none providing for a closure of debate, or limiting the length either of a debate or of a speech. The Senate is proud of having conducted its business without the aid of such regulations, and this has been due, not merely to the small size of the assembly, but to the sense of its dignity which has usually pervaded its members, and to the power which the opinion of the whole body has exercised on each. Formerly systematic obstruction, or, as is called in America "filibustering," familiar to the House, was almost unknown in the calmer air of the Senate.

Divisions are taken, not by separating the senators into lobbies and counting them, as in the British Parliament, but by calling the names of the senators alphabetically. The Constitution provides that one fifth of those present may demand that the Yeas and Nays be entered in the journal. Every senator answers to his name with Aye or No. He may, however, ask the leave of the Senate to abstain from voting; and if he is paired, he states, when his name is called, that he has paired with such and such another senator, and is then excused.

When the Senate goes into executive session, the galleries are cleared and the doors closed, and the obligation of secrecy is supposed to be enforced by the penalty of expulsion to which a senator, disclos-

ing confidential proceedings, makes himself liable. Practically, however, newspaper men find little difficulty in ascertaining what passes in secret session. The threatened punishment has never been inflicted, and occasions often arise when senators feel it to be desirable that the public should know what their colleagues have been doing.

CHAPTER VIII.

THE SENATE AS AN EXECUTIVE AND JUDICIAL BODY

The Senate is not only a legislative but also an executive chamber; in fact, in its early days the executive functions seem to have been thought the more important; and Hamilton went so far as to speak of the national executive authority as divided between two branches, the President and the Senate. These executive functions are two, the power of approving treaties and that of confirming nominations to office submitted by the President.

The Senate through its right of confirming or rejecting engagements with foreign powers, secures a general control over foreign policy. It is in the discretion of the President whether he will communicate current negotiations to it and take its advice upon them, or will say nothing till he lays a completed treaty before it. One or other course is from time to time followed, according to the nature of the case, or the degree of friendliness existing between the President and the majority of the Senate. But in general, the President's best policy is to keep the leaders of the senatorial majority, and in particular the Committee on Foreign Relations, informed of the progress of any pending negotiation. He thus feels the pulse of the Senate, and foresees what kind of arrangement he can induce it to sanction, while at the

same time a good understanding between himself and his coadjutors is promoted.

This control of foreign policy by the Senate goes far to meet that terrible difficulty which a democracy, or indeed any free government, finds in dealing with foreign Powers. If every step to be taken must be previously submitted to the governing assembly, the nation is forced to show its whole hand, and precious opportunities of winning an ally or striking a bargain may be lost. If on the other hand the Executive is permitted to conduct negotiations in secret, there is always the risk, either that the governing assembly may disavow what has been done, a risk which makes foreign states legitimately suspicious and unwilling to negotiate, or that the nation may have to ratify, because it feels bound in honor by the act of its executive agents, arrangements which its judgment condemns. The frequent participation of the Senate in negotiations diminishes these difficulties, because it apprises the Executive of what the judgment of the ratifying body is likely to be, and it commits that body in advance.

The Senate may, and occasionally does, amend a treaty, and return it amended to the President. There is nothing to prevent it from proposing a draft treaty to him, or asking him to prepare one, but this is not the practice. For ratification a vote of two thirds of the senators present is required. This gives great power to a vexatious minority, and increases the danger, evidenced by several incidents in the history of the Union, that the Senate or a faction in it may deal with foreign policy in a narrow, sectional, electioneering spirit. When the interest of any group of States is, or is supposed to be, opposed to the making of a given treaty, that treaty may be defeated by the senators from those States. Supposing their party to command a majority, the treaty

is probably rejected, and the settlement of the question at issue perhaps indefinitely postponed.

The judicial function of the Senate is to sit as a High Court for the trial of persons impeached by the House of Representatives. The Chief Justice of the United States presides, and a vote of two thirds of the senators voting is needed for a conviction. The process is applicable to other officials besides the President, including Federal judges.

Rare as this method of proceeding is, it could not be dispensed with, and it is better that the Senate should try cases in which a political element is usually present, than that the impartiality of the Supreme Court should be exposed to the criticism it would have to bear, did political questions come before it.

CHAPTER IX.

THE SENATE: ITS WORKING AND INFLUENCE

The chamber in which the Senate meets is semicircular in form, the Vice-President of the United States, who acts as presiding officer, having his chair on a marble dais, slightly raised, in the center of the chord, with the senators all turned toward him as they sit in concentric simicircles, each in a morocco leather-covered arm-chair, with a desk in front of it. The floor is about as large as the whole superficial area of the British House of Commons, but as there are great galleries on all four sides, running back over the lobbies, the upper part of the chamber and its total air-space much exceeds that of the English House. One of these galleries is appropriated to the President of the United States; the others to ladies, the press, and the public. Behind the senatorial chairs and desks there is an open space into which strangers may be brought by the senators, who sit and talk on the sofas there placed. Members

of foreign legislatures are allowed access to this outer "floor of the Senate." There is, especially when the galleries are empty, a slight echo in the room, which obliges most speakers to strain their voices. Two or three pictures on the walls somewhat relieve the cold tone of the chamber, with its marble platform and sides unpierced by windows, for the light enters through glass compartments in the ceiling.

A senator always addresses the Chair "Mr. President," and refers to other senators by their States: "The senator from Ohio," "The senator from Tennessee." When two senators rise at the same moment, the Chair calls on one, indicating him by his State, "The senator from Minnesota has the floor." Senators of the Democratic party sit, and apparently always have sat, on the right of the Chair, Republican senators on the left; but, as already explained, the parties do not face one another. The impression which the place makes on a visitor is one of business-like gravity, a gravity which though plain is dignified. It has the air not so much of a popular assembly as of a diplomatic congress. The English House of Lords, with its fretted roof and windows rich with the figures of departed kings, its majestic throne, its Lord Chancellor in his wig on the woolsack, its benches of lawn-sleeved bishops, its bar where the Commons throng in externals, but appeals far more powerfully to the historical imagination, for it seems to carry the Middle Ages down into the modern world. The Senate is modern, severe, and practical. So, too, few debates in the Senate rise to the level of the better debates in the English chamber. But the Senate seldom wears the air of listless vacuity and superannuated indolence which the House of Lords presents on all but a few nights of every session. The faces are keen and forcible, as

of men who have learned to know the world, and have much to do in it; the place seems consecrated to great affairs.

As might be expected from the small number of the audience, as well as from its character, discussions in the Senate are apt to be sensible and practical. Speeches are shorter and less fervid than those made in the House of Representatives, for the larger an assembly the more prone is it to declamation. The least useful debates are those on show-days, when a series of set discourses are delivered on some prominent question, because no one expects such discourses to have any persuasive effect. The question at issue is sure to have been already settled, either in a committee or in a "caucus" of the party which commands the majority, so that these long and sonorous harangues are mere rhetorical thunder addressed to the nation outside.

The Senate contains men of great wealth. Some, an increasing number, are senators because they are rich; a few are rich because they are senators, while in the remaining cases the same talents which have won success in law or commerce have brought their possessor to the top in politics also. The great majority are or have been lawyers; some regularly practice before the Supreme Court. Complaints are occasionally leveled against the aristocratic tendencies which wealth is supposed to have bred, and sarcastic references are made to the sumptuous residences which senators have built on the new avenues of Washington. While admitting that there is more sympathy for the capitalist class among these rich men than there would be in a Senate of poor men, I must add that the Senate is far from being a class body like the upper houses of England or Prussia or Spain or Denmark. It is substantially representative, by its composition as well as by legal delega-

tion, of all parts of American society; it is far too dependent, and far too sensible that it is dependent, upon public opinion, to dream of legislating in the interest of the rich. The senators, however, indulge some social pretensions. They are the nearest approach to an official aristocracy that has yet been seen in America. They and their wives are allowed precedence at private entertainments, as well as on public occasions, over members of the House, and of course over private citizens. Jefferson might turn in his grave if he knew of such an attempt to introduce European distinctions of rank into his democracy; yet as the office is temporary, and the rank vanishes with the office, these pretensions are harmless; it is only the universal social equality of the country that makes them noteworthy. Apart from such petty advantages, the position of a senator, who can count on reelection, is the most desirable in the political world of America. It gives as much power and influence as a man need desire. It secures for him the ear of the public. It is more permanent than the presidency or any great ministerial office, requires less labor, involves less vexation, though still great vexation, by importunate office-seekers.

The smallness and the permanence of the Senate have an important influence on its character. They contribute to one main cause of its success, the superior intellectual quality of its members. Every European who has described it has dwelt upon the capacity of those who compose it, and most have followed De Tocqueville in attributing this capacity to the method of double election. The choice of senators by the State legislatures is supposed to have proved a better means than direct choice by the people of discovering and selecting the fittest men. I have already remarked that practically the election of senators has become a popular election, the func-

tion of the legislatures being now little more than to register and formally complete a choice already made by the party managers, and perhaps ratified in the party convention. But apart altogether from this recent development, and reviewing the whole hundred years' history of the Senate, the true explanation of its intellectual capacity is to be found in the superior attraction which it has for the ablest and most ambitious men. A senator has more power than a member of the House, more dignity, a longer term of service, a more independent position. Hence every Federal politician aims at a senatorship, and looks on the place of representative as a stepping-stone to what is in this sense an Upper House, that is, the House to which representatives seek to mount. It is no more surprising that the average capacity of the Senate should surpass that of the House, than that the average cabinet minister of Europe should be abler than the average member of the legislature.

European writers on America have been too much inclined to idealize the Senate. Admiring its structure and function, they have assumed that the actors must be worthy of their parts. They have been encouraged in this tendency by the language of many Americans. As the Romans were never tired of repeating that the ambassador of Pyrrhus had called the Roman senate an assembly of kings, so Americans of refinement, who are ashamed of the turbulent House of Representatives, are wont to talk of the Senate as a sort of Olympian dwelling-place of statesmen and sages. It is nothing of the kind. It is a company of shrewd and vigorous men who have fought their way to the front by the ordinary methods of American politics, and on many of whom the battle has left its stains. There are abundant opportunities for intrigue in the Senate, because its most important business is done in the secrecy of

committee rooms or of executive session; and many senators are intriguers. There are opportunities for misusing senatorial powers. Scandals have sometimes arisen from the practice of employing as counsel before the Supreme Court senators whose influence has contributed to the appointment or confirmation of the judges. There are opportunities for corruption and blackmailing, of which unscrupulous men are well known to take advantage. Such men are fortunately few; but considering how demoralized are the legislatures of some States, their presence must be looked for; and the rest of the Senate, however it may blush for them, is obliged to work with them and to treat them as equals. The contagion of political vice is nowhere so swiftly potent as in legislative bodies, because you cannot taboo a man who has a vote. You may loathe him personally, but he is the people's choice and he has a right to share in the government of the country.

As respects ability, the Senate cannot be profitably compared with the English House of Lords, because that assembly consists of some twenty eminent and as many ordinary men, attending regularly, with a multitude of undistinguished persons who, though members, are only occasional visitors, and take no real share in the deliberations. Setting the Senate beside the House of Commons, one may say that the average natural capacity of its members is not above that of an equal number of the best men in the English House. There is more variety of talent in the latter, and a greater breadth of culture. On the other hand, the Senate excels in legal knowledge as well as in practical shrewdness. The House of Commons contains more men who could give a good address on a literary or historical subject, the Senate more who could either deliver a rousing popular harangue or manage the business of a great trading

company, these being the forms of capacity commonest among Congressional politicians. The Senate has been and is, on the whole, a steadying and moderating power. One cannot say in the language of European politics that it has represented aristocratic principles, or anti-popular principles, or even conservative principles. Each of the great historic parties has in turn commanded a majority in it, and the difference between their strength has during the last decade been but slight. On none of the great issues that have divided the nation has the Senate been, for any long period, decidedly opposed to the other House of Congress. All the fluctuations of public opinion tell upon it, nor does it venture, any more than the House, to confront a popular impulse, because it is, equally with the House, subject to the control of the great parties, which seek to use while they obey the dominant sentiment of the hour.

But the fluctuations of opinion tell on it less energetically than on the House of Representatives. They reach it slowly and gradually, owing to the system which renews it by one third every second year, so that it sometimes happens that before the tide has risen to the top of the flood in the Senate it has already begun to ebb in the country. The Senate has been a stouter bulwark against agitation, not merely because a majority of the senators have always four years of membership before them, within which period public feeling may change, but also because the senators have been individually stronger men than the representatives. They are less democratic, not in opinion, but in temper, because they have more self-confidence, because they have more to lose, because experience has taught them how fleeting a thing popular sentiment is, and how useful a thing continuity in policy is. The Senate has therefore usually kept its head better than the House of Rep-

resentatives. It has expressed more adequately the judgment, as contrasted with the emotion, of the nation. In this sense it does constitute a "check and balance" in the Federal government. Of the three great functions which the Fathers of the Constitution meant it to perform, the first, that of securing the rights of the smaller States, is no longer important, because the extent of State rights has been now well settled; while the second, that of advising or controlling the Executive in appointments as well as in treaties, has given rise to evils almost commensurate with its benefits. But the third duty has been, in the main, well discharged, and "the propensity of a single and numerous assembly to yield to the impulse of sudden and violent passions" is usually restrained.

CHAPTER X.

THE HOUSE OF REPRESENTATIVES

The House of Representatives, usually called for shortness the House, represents the nation on the basis of population, as the Senate represents the States.

But even in the composition of the House the States play an important part. The Constitution provides that "representatives and direct taxes shall be apportioned among the several States according to their respective numbers," and under this provision Congress allots so many members of the House to each State in proportion to its population at the last preceding decennial census, leaving the State to determine the districts within its own area for and by which the members shall be chosen. These districts are now equal or nearly equal in size; but in laying them out there is ample scope for the process called "gerrymandering," which the dominant party

in a State rarely fails to apply for its own advantage. Where a State legislature has failed to redistribute the State into congressional districts, after the State has received an increase of representatives, the additional member or members are elected by the voters of the whole State on a general ticket, and are called "representatives at large." Each district, of course, lies wholly within the limits of one State. When a seat becomes vacant the governor of the State issues a writ for a new election, and when a member desires to resign his seat he does so by letter to the governor.

The original House which met in 1789 contained only sixty-five members, the idea being that there should be one member for every 30,000 persons. As population grew and new States were added, the number of members was increased. Originally Congress fixed the ratio of members to population, and the House accordingly grew; but latterly, fearing a too rapid increase, it has fixed the number of members with no regard for any precise ratio of members to population. Besides the full members, there are also Territorial delegates, one from each of the Territories, regions in the West enjoying a species of self-government, but not yet formed into States. These delegates sit and speak, but have no right to vote, being unrecognized by the Constitution. They are, in fact, merely persons whom the House under a statute admits to its floor and permits to address it. A majority of members is a quorum of the House.

The electoral franchise on which the House is elected is for each State the same as that by which the members of the more numerous branch of the State legislature are chosen. Originally electoral franchises varied very much in different States: now a suffrage practically all but universal prevails everywhere. A State, however, has a right of limiting

the suffrage as it pleases, and many States do exclude persons convicted of crime, paupers, illiterates, etc. By the fifteenth amendment to the Constitution (passed in 1870) "the right of citizens of the United States to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servitude," while by the fourteenth amendment (passed in 1868) "the basis of representation in any State is reduced in respect of any male citizens excluded from the suffrage, save for participation in rebellion or other crimes." Each State has therefore a strong motive for keeping its suffrage wide, but the fact remains that the franchise by which the Federal legislature is chosen may differ vastly, and does in some points actually differ in different parts of the Union.

Members are elected for two years, and the election always takes places in the even years, 1902, 1904, and so forth. Thus the election of every second Congress coincides with that of a President and admirers of the Constitution find in this arrangement another of their favorite "checks" because while it gives the incoming President a Congress presumably, though by no means necessarily, of the same political complexion as his own, it enables the people within two years to express their approval or disapproval of his conduct by sending up another House of Representatives which may support or oppose the policy he has followed. The House does not in the regular course of things meet until a year has elapsed from the time when it has been elected, though the President may convoke it sooner, i.e., a House elected in November, 1902, will not meet till December, 1903, unless the President summons it in "extraordinary session" some time after March, 1903, when the previous House expires. It is a singular result of the present arrangement that the old House

continues to sit for nearly four months after the members of the new House have been elected.

The expense of an election varies greatly from district to district. Sometimes, especially in great cities where illegitimate expenditure is more frequent and less detectable than in rural districts, it rises to a sum of $10,000 or more: sometimes it is trifling. A candidate, unless very wealthy, is not expected to pay the whole expense out of his own pocket, but is aided often by the local contributions of his friends, sometimes by a subvention from the election funds of the party in the State. All the official expenses, such as for clerks, polling booths, etc., are paid by the public. Bribery is not rare, but elections are seldom impeached on that ground, for the difficulty of proof is increased by the circumstance that the House, which is of course the investigating and deciding authority, does not meet till a year after the election. As a member is elected for two years only, and the investigation would probably drag on during the whole of the first session, it is scarcely worth while to dispute the return for the sake of turning him out for the second session. In some States, drinking-places are closed on the election day.

Among the members of the House there are few young men, and still fewer old men. The immense majority are between forty and sixty. Lawyers abound in the House. Then come men engaged in manufactures or commerce, in agriculture, banking, journalism, etc. No military or naval officer, and no person in the civil service of the United States, can sit. Scarcely any of the great railway men go into Congress, a fact of much significance when one considers that they are really the most powerful people in the country; and of the numerous lawyer members not many are leaders of the bar in their respec-

tive States. The reason is the same in both cases. Residence in Washington makes practice at the bar of any of the great cities impossible, and men in lucrative practice would not generally sacrifice their profession in order to sit in the House, while railway managers or financiers are too much engrossed by their business to be able to undertake the duties of a member. The absence of railway men by no means implies the absence of railway influence, for it is as easy for a company to influence legislation from without Congress as from within.

Most members have received their early education in the common schools, but perhaps one half of the whole number has also graduated in a university or a college. A good many, but apparently not the majority, have served in the legislature of their own State. Comparatively few are very wealthy, and few are very poor, while scarcely any were at the time of their election working men. Of course no one could be a working man while he sits, for he would have no time to spare for his trade, and the salary would more than meet his wants. Nothing prevents an artisan from being returned to Congress, but there seems little disposition among the working classes to send one of themselves.

A member of the House enjoys the title of "Honorable," which is given to him not merely within the House (as in England), but in the world at large, as for instance in the addresses of his letters. As he shares it with members of State senates, all the highest officials, both Federal and State, and judges, the distinction is not deemed a high one.

The House has no share in the executive functions of the Senate, nothing to do with confirming appointments or approving treaties. On the other hand, it has the exclusive right of initiating revenue bills and of impeaching officials, features borrowed, through

the State constitutions, from the English House of Commons, and of choosing a President in case there should be no absolute majority of presidential electors for any one candidate. This very important power it exercised in 1801 and 1825.

Setting extraordinary sessions aside, every Congress has two sessions, distinguished at the First or Long and the Second or Short. The long session begins in the fall of the year after the election of a Congress, and continues, with a recess at Christmas, till the July or August following. The short session begins in the December after the July adjournment, and lasts till the fourth of March following. The whole working life of a House is thus from ten to twelve months. Bills do not, as in the English Parliament, expire at the end of each session; they run on from the long session to the short one. All, however, that have not been passed when the fatal fourth of March arrives, perish forthwith, for the session being fixed by statute cannot be extended at pleasure. There is consequently a terrible scramble to get business pushed through in the last week or two of Congress.

The House usually meets at noon, and sits till four or six o'clock, though toward the close of a session these hours are lengthened. Occasionally when obstruction occurs, or when at the very end of a session messages are going backward and forward between the House, the Senate, and the President, it sits all night long.

An oath or affirmation of fidelity to the Constitution of the United States is (as prescribed by the Constitution) taken by all members; also by the clerk, the sergeant-at-arms, the door-keeper, and the postmaster.

The sergeant-at-arms is the treasurer of the House, and pays to each member his salary and mile-

age (traveling expenses). He has the custody of the mace, and the duty of keeping order, which in extreme cases he performs by carrying the mace into a throng of disorderly members. The symbol of authority, which, as in the House of Commons, is moved from its place when the House goes into committee, consists of the Roman fasces, in ebony, bound with silver bands in the middle and at the ends, each rod ending in a spear head, at the other end a globe of silver, and on the globe a silver eagle ready for flight. English precedent suggests the mace, but as it could not be surmounted by a crown, Rome has prescribed its design.

The proceedings each day begin with prayers, which are conducted by a chaplain who is appointed by the House, not as in England by the Speaker, and who may, of course, be selected from any religious denomination. Lots are drawn for seats at the beginning of the session, each member selecting the place he pleases according as his turn arrives. Although the Democrats are mostly to the Speaker's right hand, members do not sit strictly according to party, a circumstance which deprives invective of much of its dramatic effect. One cannot, as in England, point the finger of scorn at "honorable gentlemen opposite." Every member is required to remain uncovered in the House.

A member addresses the Speaker and the Speaker only, and refers to another member not by name but as the "gentleman from Pennsylvania," etc., or as the case may be, without any particular indication of the district which the person referred to represents. A member usually speaks from his seat, but may speak from the clerk's desk or from a spot close to the Speaker's chair.

Divisions were originally (rule of April 17, 1789) taken by going to the right and left of the chair, ac-

cording to the old practice of the English House of Commons. This having been found inconvenient, a resolution of June 9, 1789, established the present practice, whereby members rise in their seats and are counted in the first instance by the Speaker, but if he is in doubt, or if a count be required by one fifth of a quorum (i.e., by not less than one tenth of the whole House), then by two tellers named by the Speaker, between whom, as they stand in the middle gangway, members pass. If one fifth of a quorum demands a call of yeas and nays, this is taken; the clerk calls the full roll of the House, and each member answers aye or no to his name, or says "no vote." When the whole roll has been called, it is called over a second time to let those vote who have not voted in the first call. Members may now change their votes. Those who have entered the House after their names were passed on the second call cannot vote, but often take the opportunity of rising to say that they would, if then present in the House, have voted for (or against) the motion. All this is set forth in the "Congressional Record," which also contains a list of the members not voting and of the pairs. A process which consumes so much time is an obvious and effective engine of obstruction. It is frequently so used, for it can be demanded not only on questions of substance, but on motions to adjourn. This is a rule which the House cannot alter, for it rests on an express provision of the Constitution. There is a rule that no one may speak more than once to the same question, unless he be the mover of the motion pending, in which case he is permitted to reply after every member choosing to speak has spoken.

Speeches are limited to one hour, subject to a power to extend this time by unanimous consent, and may, in committee of the whole House, be limited to

five minutes. A member is at liberty to give part of his time to other members, and this is in practice constantly done. The member speaking will say: "I yield the floor to the gentleman from Ohio for five minutes," and so on. Thus a member who has once secured the floor has a large control of the debate.

The great remedy against prolix or obstructive debate is the so-called previous question, which is moved in the form, "Shall the main question be now put?" and when ordered closes forthwith all debate, and brings the House to a direct vote on that main question. On the motion for the putting of the main question no debate is allowed; but it does not destroy the right of the member "reporting the measure under consideration" from a committee, to wind up the discussion by his reply. This closure of the debate may be moved by any member without the need of leave from the Speaker, and requires only a bare majority of those present. When directed by the House to be applied in committee, for it cannot be moved after the House has gone into committee, it has the effect of securing five minutes to the mover of any amendment, and five minutes to be the member who first "obtains the floor" in opposition to it, permitting no one else to speak. A member in proposing a resolution or motion usually asks at the same time for the previous question upon it, so as to prevent it from being talked out. Closure by previous question is in almost daily use, and is considered essential to the progress of business.

Notwithstanding this powerful engine for expediting business, obstruction, or filibustering, is by no means unknown. It is usually practiced by making repeated motions for the adjournment of a debate, or for "taking a recess" (suspending the sitting), or for calling the yeas and nays. Between one such motion and another some business must intervene,

but as the making of a speech is "business," there is no difficulty in complying with this requirement. No speaking is permitted on these obstructive motions, yet by them time may be wasted for many continuous hours, and if the obstructing minority is a strong one, it usually succeeds, if not in defeating a measure, yet in extorting a compromise. It must be remembered that owing to the provision of the Constitution above mentioned, the House is in this matter not sovereign even over its own procedure. That rules are not adopted, as they might be, which would do more than the present system does to extinguish filibustering, is due partly to this provision, partly to the notion that it is safer to leave some means open by which a minority can make itself disagreeable, and to the belief that adequate checks exist on any gross abuse of such means. These checks are two. One is the fact that filibustering will soon fail unless conducted by nearly the whole of the party which happens to be in a minority, and that so large a section of the House will not be at the trouble of joining in it unless upon some really serious question. The other check is found in the fear of popular disapproval. If the nation sees public business stopped and necessary legislation delayed by factious obstruction, it will visit its displeasure both upon the filibustering leaders individually, and on the whole of the party compromised. However hot party spirit may be, there is always a margin of moderate men in both parties whom the unjustifiable use of legally permissible modes of opposition will alienate. Since such men can make themselves felt at the polls when the next election arrives, respect for their opinion cools the passion of congressional politicians. Thus the general feeling is that as the power of filibustering is in extreme cases a safeguard against abuses of the system of closure by "previous question," so

the good sense of the community is in its turn a safeguard against abuses of the opportunties which the rules still leave open.

One subject alone, the subject of revenue, that is to say, taxation and appropriation, receives genuine discussion by the House at large. And although the "previous question" is often applied to expedite appropriation bills, it is seldom applied till opportunity has been given for the expression of all relevant views.

The number of bills brought into the House every year is very large, averaging over 10,000. It is needless to say that the proportion of bills that pass to bills that fail is a very small one, not one thirtieth. Bills are lost less by direct rejection than by failing to reach their third reading, a mode of extinction which the good-nature of the House, or the unwillingness of its members to administer snubs to one another, would prefer to direct rejection, even were not the want of time a sufficient excuse to the committees for failing to report them. One is told in Washington that few bills are brought in with a view to being passed. They are presented in order to gratify some particular persons or places, and it is well understood in the House that they must not be taken seriously. Sometimes a less pardonable motive exists. The great commercial companies, and especially the railroad companies, are often through their land grants and otherwise brought into relations with the Federal Government. Bills are presented in Congress which purport to withdraw some of the privileges of these companies, or to establish or favor rival enterprises, but whose real object is to levy blackmail on these wealthy bodies, since it is often cheaper for a company to buy off its enemy than to defeat him either by the illegitimate influence of the lobby, or by the strength of its case in

open combat. Several great corporations have thus to maintain a permanent staff at Washington for the sake of resisting legislative attacks upon them, some merely extortionate, some intended to win local popularity.

The title and attributions of the Speaker of the House are taken from his famous English original. But the character of the office has greatly altered from that original. The note of the Speaker of the British House of Commons is his impartiality. His duties are limited to the enforcement of the rules and generally to the maintenance of order and decorum in debate, including the selection, when several members rise at the same moment, of the one who is to carry on the discussion. Neither the duties nor the position imply political power. It makes little difference to any English party in Parliament whether the occupant of the chair has come from their own or from hostile ranks.

In America the Speaker has immense political power, and is permitted, nay expected, to use it in the interests of his party. In calling upon members to speak he prefers those of his own side. He decides in their favor such points of order as are not distinctly covered by the rules. His authority over the arrangement of business is so large that he can frequently advance or postpone particular bills or motions in a way which determines their fate. Although he seldom figures in party debates in the House (when he does so he leaves the chair, putting some one else in it) he may and does advise the other leaders of his party privately; and when they "go into caucus" (i.e., hold a party meeting to determine their action on some pending question) he is present and gives counsel. He is usually the most eminent member of the party who has a seat in the House, and is really, so far as the confidential direction of

its policy goes, almost its leader. His most important privilege is, however, the nomination of the numerous standing committees already referred to. In the first Congress (April, 1789) the House tried the plan of appointing its committees by ballot; but this worked so ill that in January, 1790, the following rule was passed:—"All committees shall be appointed by the Speaker unless otherwise specially directed by the House." This rule has been re-adopted by each successive Congress since then. Not only does he, at the beginning of such Congress, select all the members of each of these committees, he even chooses the chairman of each, and thereby vests the direction of its business in hands approved by himself. The chairman is of course always selected from the party which commands the House, and the committee is so composed as to give that party a majority.

Since legislation, and so much of the control of current administration as the House has been able to bring within its grasp, belong to these committees, there composition practically determines the action of the House on all questions of moment, and as the chairmanships of the more important committees are the posts of most influence, the disposal of them is a tremendous piece of patronage by which a Speaker can attract support to himself and his own section of the party, reward his friends, give politicians the opportunity of rising to distinction or practically extinguish their congressional career. The Speaker is, of course, far from free in disposing of these places. He has been obliged to secure his own election to the chair by promises to leading members and their friends; and while redeeming such promises, he must also regard the wishes of important groups of men or types of opinion, must compliment particular States by giving a place on good commit-

tees to their prominent representatives, must avoid nominations which could alarm particular interests. These conditions surround the exercise of his power with trouble and anxiety. Yet after all it is power, power which in the hands of a capable and ambitious man becomes so far-reaching that it is no exaggeration to call him the second, if not the first political figure in the United States, with an influence upon the fortunes of men and the course of domestic events superior, in ordinary times, to the President's, although shorter in its duration and less patent to the world.

The Speaker's distribution of members among the committees is, next to his own election, the most critical point in the history of a Congress, and that watched with most interest. He devotes himself to it for the fortnight after his installation with an intensity equaling that of a European prime minister constructing a cabinet. The parallel goes further, for as the chairmanships of the chief committees may be compared to the cabinet offices of Europe, so the Speaker is himself a great party leader as well as the president of a deliberative assembly.

Although expected to serve his party in all possible directions, he must not resort to all possible means. Both in the conduct of debate and in the formation of committees a certain measure of fairness to opponents is required from him. He must not palpably wrest the rules of the House to their disadvantage, though he may decide all doubtful points against them. He must give them a reasonable share of "the floor" (i.e., of debate). He must concede to them proper representation on committees.

The dignity of the Speaker's office is high. He receives a salary of $8,000 a year, which is a large salary for America. In rank he stands next after

the Vice-President and on a level with the justices of the Supreme Court.

CHAPTER XI.

THE HOUSE AT WORK

The room in which the House meets is in the south wing of the Capitol, the Senate and the Supreme Court being lodged in the north wing. It is more than thrice as large as the English House of Commons, with a floor about equal in area to that of Westminister Hall, one hundred and thirty-nine feet long by ninety-three feet wide, and thirty-six feet high. Light is admitted through the ceiling. There are on on all sides deep galleries running backwards over the lobbies, and capable of holding 2,500 persons. The proportions are so good that it is not till you observe how small a man looks at the farther end, and how faint ordinary voices sound, that you realize its vast size. The seats are arranged in curved concentric rows looking toward the Speaker, whose handsome marble chair is placed on a raised marble platform projecting slightly forward into the room, the clerks and the mace below in front of him, in front of the clerks the official stenographers, to the right the seat of the sergeant-at-arms. Each member has a revolving arm-chair, with a roomy desk in front of it, where he writes and keeps his papers. Behind these chairs runs a railing, and behind the railing is an open space into which strangers may be brought, where sofas stand against the wall, and where smoking is practiced, even by strangers, though the rules forbid it.

When you enter, your first impression is of noise and turmoil. The raising and dropping of desk lids, the scratching of pens, the clapping of hands to call the pages, keen little boys who race along the gang-

ways, the pattering of many feet, the hum of talking on the floor, and in the galleries, make up a din over which the speaker with the sharp taps of his hammer, or the orators straining shrill throats, find it hard to make themselves audible. Nor is it only the noise that gives the impression of disorder. Often three or four members are on their feet at once, each shouting to catch the Speaker's attention. Less favorable conditions for oratory cannot be imagined. "Speaking in the House," says an American writer, "is like trying to address the people in the Broadway omnibuses from the curbstone in front of the Astor House. * * * Men of fine intellect and of good ordinary elocution have exclaimed in despair that in the House of Representatives the mere physical effort to be heard uses up all the powers, so that intellectual action becomes impossible. The natural refuge is in written speeches or in habitual silence, which one dreads more and more to break." In the House of Representatives a set speech upon any subject of importance tends to become not an exposition or an argument, but a piece of elaborate and high-flown declamation. Its author is often wise enough to send direct to the reporters what he has written out, having read aloud a small part of it in the House. When it has been printed in extenso in the Congressional Record (leave to get this done being readily obtained), he has copies struck off and distributes them among his constitutents. Thus everybody is pleased and time is saved.

Most of the practical work is done in the standing committees, while much of the time of the House is consumed in pointless discussions, where member after member delivers himself upon large questions, not likely to be brought to a definite issue. Many of the speeches thus called forth have a value as repertories of facts, but the debate as a whole is un-

profitable and languid. On the other hand, the five-minute debates which take place, when the House imposes that limit of time, in Committee of the Whole on the consideration of a bill reported from a standing committee, are often lively, pointed, and effective. The topics which excite most interest and are best discussed are those of taxation and the appropriation of money, more particularly to public works, the improvement of rivers and harbors, erection of Federal buildings, and so forth.

That the majority of the House may be and often is opposed to the President and his cabinet, does not strike Americans as odd, because they proceed on the theory that the legislative ought to be distinct from the executive authority. Since no minister sits, there is no official representative of the party which for the time being holds the reins of the executive government. Neither is there any unofficial representative. So far as the majority has a chief, that chief is the Speaker, who has been chosen by them as their ablest and most influential man; but the chairman of the most important committee, that of Ways and Means enjoys a sort of eminence, and comes nearer than any one else to the position of leader of the House. The minority do not formally choose a leader, nor is there usually any one among them whose career marks him out as practically the first man, but the person whom they have put forward as their party candidate for the Speakership, giving him what is called "the complimentary nomination," has a sort of vague claim to be so regarded. This honor amounts to very little.

There is a fundamental difference between the conception of the respective positions and duties of a representative body and of the nation at large entertained by Americans, and the conception which has hitherto prevailed in Europe. Europeans have

thought of a legislature as belonging to the governing class. In America there is no such class. Europeans think that the legislature ought to consist of the best men in the country, Americans that it should be a fair average sample of the country. Europeans think that it ought to lead the nation, Americans that it ought to follow the nation.

I have spoken of the din of the House of Representatives, of its air of restlessness and confusion, contrasting with the staid gravity of the Senate, of the absence of dignity both in its proceedings and in the bearing and aspect of individual members. All these things notwithstanding, there is something impressive about it, something not unworthy of the continent for which it legislates.

This huge gray hall, filled with perpetual clamor, this multitude of keen and eager faces, this ceaseless coming and going of many feet, this irreverent public, watching from the galleries and forcing its way on to the floor, all speak to the beholder's mind of the mighty democracy, destined in another century to form one half of civilized mankind, whose affairs are here debated. If the men are not great, the interests and the issues are vast and fateful. Here, as so often in America, one thinks rather of the future than of the present. Of what tremendous struggles may not this hall become the theater in ages yet far distant, when the parliaments of Europe have shrunk to insignificance?

CHAPTER XII.

THE COMMITTEES OF CONGRESS

The members of every standing committee of the House are nominated by the Speaker at the beginning of each Congress, and sit through its two sessions; those of a select committee also by the

Speaker, after the committee has been ordered by the House. In pursuance of the rule that the member first named shall be chairman, the Speaker has also the selection of all the chairmen.

To some one of these standing committees each and every bill is referred. Its second as well as its first reading is granted as of course, and without debate, since there would be no time to discuss the immense number of bills presented. When read a second time it is referred under the general rules to a committee; but doubts often arise as to which is the appropriate committee, because a bill may deal with a subject common to two or more jurisdictions, or include topics some of which belong to one jurisdiction, others to another. The disputes which may in such cases arise between several committees lead to keen debates and divisions, because the fate of the measure may depend on which of two possible paths it is made to take, since the one may bring it before a tribunal of friends, the other before a tribunal of enemies. Such disputes are determined by the vote of the House itself.

Not having been discussed, much less affirmed in principle, by the House, a bill comes before its committee with no presumption in its favor, but rather as a shivering ghost stands before Minos in the nether world. It is one of many, and for the most a sad fate is reserved. The committee may take evidence regarding it, may hear its friends and its opponents. They usually do hear the member who has introduced it, since it seldom happens that he has himself a seat on the committee. Members who are interested approach the committee and state their case there, not in the House, because they know that the House will have neither time nor inclination to listen. The committee can amend the bill as they please, and although they cannot formally extinguish

it, they can practically do so by reporting adversely, or by delaying to report it till late in the session, or by not reporting it at all.

In one or other of these ways nineteen twentieths of the bills introduced meet their death, a death which the majority doubtless deserve, and the prospect of which tends to make members reckless as regards both the form and the substance of their proposals. A motion may be made in the House that the committee do report forthwith, and the House can of course restore the bill, when reported, to its original form. But these expedients rarely succeed, for few are the measures which excite sufficient interest to induce an impatient and overburdened assembly to take additional work upon its own shoulders or to overrule the decision of a committee.

The deliberations of committees are usually secret. Evidence is frequently taken with open doors, but the newspapers do not report it, unless the matter excite public interest; and even the decisions arrived at are often noticed in the briefest way. It is out of order to canvass the proceedings of a committee in the House until they have been formally reported to it, and the report submitted does not usually state how the members have voted, or contain more than a very curt outline of what has passed. No member speaking in the House is entitled to reveal anything further.

A committee have technically no right to initiate a bill, but as they can either transform one referred to them, or, if none has been referred which touches the subject they seek to deal with, can procure one to be brought in and referred to them, their command of their own province is unbounded. Hence the character of all the measures that may be passed or even considered by the House upon a particular branch of legislation depends on the composition of

the committee concerned with that branch. Some committees, such as those on naval and military affairs, and those on the expenditure of the several departments, deal with administration rather than legislation. They have power to summon the officials of the departments before them, and to interrogate them as to their methods and conduct. Authority they have none, for officials are responsible only to the chief, the President; but the power of questioning is sufficient to check if not to guide the action of a department, since imperative statutes may follow, and the department, sometimes desiring legislation and always desiring money, has strong motives for keeping on good terms with those who control legislation and the purse. It is through these committees chiefly that the executive and legistive branches of government touch one another. Yet the contact, although the most important thing in a government, is the thing which the nation least notices, and has the scantiest means of watching.

The scrutiny to which the administrative committees subject the departments is so close and constant as to occupy much of the time of the officials and seriously interfere with their duties. Not only are they often summoned to give evidence: they are required to furnish minute reports on matters which a member of Congress could ascertain for himself. Nevertheless the House committees are not certain to detect abuses or peculation, for special committees of the Senate have repeatedly unearthed dark doings which had passed unsuspected the ordeal of a House investigation. After a bill has been debated and amended by the committee it is reported back to the House, and is taken up when that committee is called in its order. One hour is allowed to the member whom his fellow committee-men have appointed to report. He seldom uses the whole of this hour, but

allots part of it to other members, opponents as well as friends, and usually concludes by moving the previous question. This precludes subsequent amendments and leaves only an hour before the vote is taken. As on an average each committee (excluding the two or three great ones) has only two hours out of the whole ten months of Congress allotted to it to present and have discussed all its bills, it is plain that few measures can be considered, and each but shortly, in the House. The best chance of pressing one through is under the rule which permits the suspension of standing orders by a two-thirds majority during the last six days of the session.

On the whole, it may be said that under this system the House despatches a vast amount of work and does the negative part of it, the killing off of worthless bills, in a thorough way. Were the committees abolished and no other organization substituted, the work could not be done. But much of it, including most of the private bills, ought not to come before Congress at all; and the more important part of what remains, viz., public legislation, is dealt with by methods securing neither the pressing forward of the measures most needed, nor the due debate of those that are pressed forward.

"The Acts passed," say the Americans, "may not be the best possible; the legislation of the year may resemble a patch-work quilt, where each piece is different in color and texture from the rest. But as we do not need much legislation, and as nearly the whole field of ordinary private law lies outside the province of Congress, the mischief is slighter than you expect. If we made legislation easier, we might have too much of it; and in trying to give it more definite character we might make it too bold and sweeping. Be our present system bad or good, it is the only system possible under our Constitution, and

the fact that it was not directly created by that instrument, but has been evolved by the experience of a hundred years, shows how strong must be the tendencies whose natural working has produced it."

CHAPTER XIII.

CONGRESSIONAL LEGISLATION

The Congressional legislative system is really a plan for legislating by a number of commissions. Each commission, receiving suggestions in the shape of bills, taking evidence upon them, and sifting them in debate, frames its measures and lays them before the House in a shape which seems designed to make amendment in details needless, while leaving the general policy to be accepted or rejected by a simple vote of the whole body. In this last respect the plan may be compared with that of the Romans during the Republic, whose general assembly of the people approved or disapproved of a bill as a whole, without power of amendment, a plan which had the advantage of making laws clear and simple. At Rome, however, bills could be proposed only by a magistrate upon his official responsibility; they were therefore comparatively few and sure to be carefully drawn. The members of American legislative commissions have no special training, no official experience, little praise or blame to look for, and no means of securing that the overburdened House will ever come to a vote on their proposals. There is no more agreement between the views of one commission and another than what may result from the majority in both belonging to the same party. Hence, as Woodrow Wilson observes in his "Congressional Government," "The legislation of a session does not represent the policy of either the majority or the minority: it is simply an aggregate of the bills recommended by commit-

tees composed of members from both sides of the House, and it is known to be usually not the work of the majority men upon the committees, but compromise conclusions bearing some shade or tinge of each of the variously colored opinions and wishes of the committee men of both parties. Most of the measures which originate with the committees are framed with a view of securing their easy passage by giving them as neutral and inoffensive a character as is possible. The manifest object is to draw them to the liking of all factions. Hence neither the failure nor the success of any policy inaugurated by one of the committees can fairly be charged to the account of either party."

Add the fact that the House in its few months of life has not time to deal with one twentieth of the bills which are thrown upon it, that it therefore drops the enormous majority unconsidered, though some of the best may be in this majority, and passes many of those which it does pass by a suspension of the rules which leaves everything to a single vote, and the marvel comes to be, not that legislation is faulty, but that an intensely practical people tolerates such defective machinery. Some reasons may be suggested tending to explain this phenomenon.

Legislation is a difficult business in all free countries, and perhaps more difficult the more free the country is, because the discordant voices are more numerous and less under control. America has sometimes sacrificed practical convenience to her dislike to authority.

The Americans surpass all other nations in their power of making the best of bad conditions, getting the largest results out of scanty materials or rough methods. Many things in that country work better than they ought to work, so to speak, or could work in any other country, because the people are shrewdly

alert in minimizing such mischiefs as arise from their own haste or heedlessness, and have a great capacity for self help.

Aware that they have this gift, the Americans are content to leave their political machinery unreformed. Persons who propose comprehensive reforms are suspected as theorists and crotchet-mongers. The national inventiveness, active in the spheres of mechanics and money-making, spends little of its force on the details of governmental methods.

The want of legislation on topics where legislation is needed breeds fewer evils than would follow in countries like England or France where Parliament is the only law-making body. The powers of Congress are limited to comparatively few subjects: its failures do not touch the general well-being of the people, nor the healthy administration of the ordinary law.

The faults of bills passed by the House are often cured by the Senate, where discussion is more leisurely and thorough. The committee system produces in that body also some of the same flabbiness and colorlessness in bills passed. But the blunders, whether in substance or of form, of the one chamber are frequently corrected by the other, and many bad bills fail owing to a division of opinion between the Houses.

The President's veto kills off some vicious measures. He does not trouble himself about defects of form; but where a bill seems to him opposed to sound policy, it is his constitutional duty to disapprove it, and to throw on Congress the responsibility of passing it "over his veto" by a two-thirds vote. A good President accepts this responsibility.

CHAPTER XIV.

CONGRESSIONAL FINANCE

No legislature devotes a larger proportion of its time than does Congress to the consideration of financial bills. These are of two kinds: those which raise revenue by taxation, and those which direct the application of the public funds to the various expenses of the government. At present Congress raises all the revenue it requires by indirect taxation, and chiefly by duties of customs and excise; so taxing bills are practically tariff bills, the excise duties being comparatively little varied from year to year.

The Secretary of the Treasury sends annually to Congress a report containing a statement of the national income and expenditure and of the condition of the public debt, together with remarks on the system of taxation and suggestions for its improvement. He also sends what is called his Annual Letter, enclosing the estimates, framed by the various departments, of the sums needed for the public services of the United States during the coming year. So far the Secretary is like a European finance minister, except that he communicates with the chamber on paper instead of making his statement and proposals orally. But here the resemblance stops. Everything that remains in the way of financial legislation is done solely by Congress and its committees, the Executive having no further hand in the matter.

The business of raising money belongs to one committee only, the standing committee of Ways and Means, consisting of eleven members. This committee prepares and reports to the House the bills needed for imposing or continuing the various customs duties, excise duties, etc. The report of the Secretary has been referred by the House to this

committee, but the latter does not necessarily base its bills upon or in any way regard that report. Neither does it in preparing them start from an estimate of the sums needed to support the public service. It does not, because it cannot: for it does not know what grants for the public service will be proposed by the spending committees, since the estimates submitted in the Secretary's letter furnish no trustworthy basis for a guess. It does not, for the further reason that the primary object of customs duties has for many years past been not the raising of revenue, but the protection of American industries by subjecting foreign products to a very high tariff.

When the revenue bills come to be debated in committee of the whole House, similar causes prevent them from being scrutinized from the purely financial point of view. Debate turns on these items of the tariff which involve gain or loss to influential groups. Little inquiry is made as to the amount needed and the adaptation of the bills to produce that amount and no more. It is the same with ways and means bills in the Senate. Communications need not pass between the committees of either House and the Treasury. The person most responsible, the person who most nearly corresponds to an English Chancellor of the Exchequer, or a French Minister of Finance, is the chairman of the House committee of Ways and Means. But he stands in no official relation to the Treasury, and is not required to exchange a word or a letter with its staff. Neither, of course, can he count on a majority in the House.

The business of spending money belongs primarily to two standing committees, the old committee on Appropriations and the new committee on Rivers and Harbors, created in 1883. The committee on Appropriations starts from, but does not adopt, the estimates sent in by the Secretary of the Treasury, for

the appropriation bills it prepares usually make large and often reckless reductions in these estimates.

Every revenue bill must, of course, come before the House; and the House, whatever else it may neglect, never neglects the discussion of taxation and money grants. These are discussed as fully as the pressure of work permits, and are often added to by the insertion of fresh items, which members interested in getting money voted for a particular purpose or locality suggest. These bills then go to the Senate, which forthwith refers them to its committees. The Senate committee on finance deals with revenue-raising bills; the committee on appropriations with supply bills. Both sets then come before the whole Senate. Although it cannot initiate appropriation bills, the Senate has long ago made good its claim to amend them, and does so without stint, adding new items and often greatly raising the total of the grants. When the bills go back to the House, the House usually rejects the amendments; the Senate adheres to them, and a conference committee is appointed, consisting of three senators and three members of the House, by which a compromise is settled, hastily and in secret, and accepted, usually in the last days of the session, by a hard-pressed but reluctant House. Even as enlarged by this committee, the supply voted is usually found inadequate, so a deficiency bill is introduced in the following session, including a second series of grants to the departments.

There is practically no connection between the policy of revenue raising and the policy of revenue spending, for these are left to different committees whose views may be opposed, and the majority in the House has no recognized leaders to remark the discrepancies or make one or other view prevail. There is no relation between the amount proposed to

be spent in any one year, and the amount proposed to be raised.

The knowledge and experience of the permanent officials either as regards the productivity of taxes, and the incidental benefits or losses attending their collection, or as regards the nature of various kinds of expenditure and their comparative utility, can be turned to account only by interrogating these officials before the committees.

Under the system of congressional finance here described America wastes millions annually. But her wealth is so great, her revenue so elastic, that she is not sensible of the loss. She has the glorious privilege of youth, the privilege of committing errors without suffering from their consequences.

CHAPTER XV.

THE RELATIONS OF THE TWO HOUSES

The creation by the Constitution of 1789 of two chambers in the United States, in place of the one chamber which existed under the Confederation, has been usually ascribed by Europeans to mere imitation of England. There were, however, better reasons than deference to English precedents to justify the division of Congress into two houses and no more. Not to dwell upon the fact that there were two chambers in all but two of the thirteen original States, the Convention of 1787 had two solid motives for fixing on this number, a motive of principle and theory, a motive of immediate expediency.

The chief advantage of dividing a legislature into two branches is that the one may check the haste and correct the mistakes of the other. This advantage is purchased at the price of some delay, and of the weakness which results from a splitting up of authority. If a legislature be constituted of three or

more branches, the advantage is scarcely increased, the delay and weakness are immensely aggravated. Two chambers can be made to work together in a way almost impossible to more than two.

To these considerations there was added the practical ground that the division of Congress into two houses supplied a means of settling the dispute which raged between the small and the large States. The latter contended for a representation of the States in Congress proportioned to their respective populations, the former for their equal representation as sovereign commonwealths. Both were satisfied by the plan which created two chambers, in one of which the former principle, in the other of which the latter principle, was recognized. The country remained a federation in respect of the Senate, it became a nation in respect of the House: there was no occasion for a third chamber.

The respective characters of the two bodies are wholly unlike those of the so-called upper and lower chambers of Europe. Both equally represent the people, the whole people, and nothing but the people. Both have been formed by the same social influences. Both are possessed by the same ideas, governed by the same sentiments, equally conscious of their dependence on public opinion. The one has never been, like the English House of Commons, a popular pet, the other never, like the English House of Lords, a popular bugbear.

The two branches of Congress have not exhibited that contrast of feeling and policy which might be expected from the different methods by which they are chosen. In the House the large States are predominant: ten out of forty-five (less than one fourth) return an absolute majority of the representatives. In the Senate these same ten States have only twenty members out of ninety, less than a fourth of the

whole. In other words, these ten States are more than sixteen times as powerful in the House as they are in the Senate. But as the House has never been the organ of the large State, nor prone to act in their interest, so neither has the Senate been the stronghold of the small States, for American politics have never turned upon an antagonism between these two sets of commonwealths.

The faults of the House are mainly due, not to want of talent among individuals, but to its defective methods, and especially to the absence of leadership. The merits of the Senate are largely due to the fact that it trains to higher efficiency the ability which it has drawn from the House, and gives that ability a sphere in which it can develop with better results. Were the Senate and the House thrown into one, the country would lose more by losing the Senate than it would gain by improving the House, for the united body would have the qualities of the House and not those of the Senate.

Collisions between the two Houses are frequent. Each is jealous and combative. Each is prone to alter the bills that come from the other; and the Senate in particular knocks about remorselessly those favorate children of the House, the appropriation bills. The fact that one House has passed a bill goes but a little way in inducing the other to pass it; the Senate would reject twenty House bills as readily as one. Deadlocks, however, disagreements over serious issues which stop the machinery of administration, are not common. The country knows that either House would yield were it unmistakably condemned by public opinion. The executive government goes on undisturbed, and the worst that can happen is the loss of a bill which may be passed four months later, Even as between the two bodies there

is no great bitterness in these conflicts, because the causes of quarrel do not lie deep.

This substantial identity of character in the Senate and the House explains the fact that two perfectly co-ordinate authorities, neither of which has any more right than its rival to claim to speak for the whole nation, manage to get along together. The two bodies are not hostile elements in the nation, striving for supremacy, but servants of the same master, whose word of rebuke will quiet them.

The United States is the only great country in which the two Houses are really equal and coordinate. Such a system could hardly work, and therefore could not last, if the Executive were the creature of either or of both, nor unless both were in close touch with the sovereign people.

When each chamber persists in its own view, the regular proceedings is to appoint a committee of conference, consisting of three members of the Senate and three of the House. These six meet in secret, and usually settle matters by a compromise, which enables each side to retire with honor.

In a contest the Senate usually, though not invariably, gets the better of the House. It is smaller, and can therefore more easily keep its majority together; its members are more experienced; and it has the great advantage of being permanent, whereas the House is a transient body. The Senate can hold out, because if it does not get its way at once against the House, it may do so when a new House comes up to Washington. The House cannot afford to wait, because the hour of its own dissolution is at hand. Besides, while the House does not know the Senate from inside, the Senate, many of whose members have sat in the House, knows all the "ins and outs" of its rival, can gauge its strength and play upon its weakness.

CHAPTER XVI.

GENERAL OBSERVATIONS ON CONGRESS

After this inquiry into the composition and working of each branch of Congress, it remains to make some observations which apply to both Houses, and which may tend to indicate the features that distinguish them from the representative assemblies of Europe. Congress is not like the Parliaments of England, France, and Italy, a sovereign assembly, but is subject to the Constitution, which only the people can change. It neither appoints nor dismisses the executive government, which springs directly from popular election. Its sphere of legislative action is limited by the existence of governments in the several States, whose authority is just as well based as its own, and cannot be curtailed by it.

I. The choice of members of Congress is locally limited by law and by custom. Under the Constitution every representative and every senator must when elected be an inhabitant of the State whence he is elected. Moreover, State law has in many, and custom practically in all, States established that a representative must be resident in the congressional district which elects him. The only exceptions to this practice occur in large cities where occasionally a man is chosen who lives in a different district of the city from that which returns him. In what are we to seek the causes of this restriction?

First. In the existence of States, originally separate political communities, still for many purposes independent, and accustomed to consider the inhabitant of another State as almost a foreigner. A New Yorker, Pennsylvanians would say, owes allegiance to New York; he cannot feel and think as a citizen of Pennsylvania and cannot therefore properly represent Pennsylvanian interests. This sentiment has

spread by a sort of sympathy, this reasoning has been applied by a sort of analogy, to the counties, the cities, the electoral districts of the State itself. State feeling has fostered local feeling.

Second. Much of the interest felt in the proceedings of Congress relates to the raising and spending of money. Changes in the tariff may affect the industries of a locality; or a locality may petition for an appropriation of public funds to some local public work, the making of a harbor, or the improvement of the navigation of a river. In both cases it is thought that no one but an inhabitant can duly comprehend the needs or zealously advocate the demands of a neighborhood.

Third. Inasmuch as no high qualities of statesmanship are expected from a congressman, a district would think it a slur to be told that it ought to look beyond its own borders for a representative; and as the post is a paid one, the people feel that a good thing ought to be kept for one of themselves rather than thrown away on a stranger. It is by local political work, organizing, canvassing, and haranguing, that a party is kept going; and this work must be rewarded.

So far as the restriction to residents in a State is concerned it is intelligible. The senator was—to some extent is still—a sort of ambassador from his State. He is chosen by the legislature or collective authority of his State. He cannot well be a citizen of one State and represent another. Even a representative in the House from one State who lived in another might be perplexed by a divided allegiance, though there are groups of States, such as those of the Northwest, whose great industrial interests are substantially the same.

II. Every senator and representative receives a salary at present fixed at $5,000 per annum, besides

an allowance (called mileage) of twenty cents per mile for traveling expenses to and from Washington, and $125 for stationery. The salary is looked upon as a matter of course. It was not introduced for the sake of enabling working men to be returned as members, but on the general theory that all public work ought to be paid for. The reasons for it are stronger than in England or France, because the distance to Washington from most parts of the United States is so great, and the attendance required there so continuous, that man cannot attend to his profession or business while sitting in Congress. If he loses his livelihood in serving the community, the community ought to compensate him, not to add that the class of persons whose private means put them above the need of a lucrative calling, or of compensation for interrupting it, is comparatively small even now, and hardly existed when the Constitution was framed.

III. A congressman's tenure of his place is usually short. Senators are sometimes returned for two, three, or even four successive terms by the legislatures of their States, although it may befall even the best of them to be thrown out by a change in the balance of parties, or by the intrigues of an opponent. But a member of the House can seldom feel safe in the saddle. If he is so eminent as to be necessary to his party, or if he maintains intimate relations with the leading local wire-pullers of his district, he may in the Eastern, Middle, and Southern States hold his ground for three or four Congresses, i.e., for six or eight years. Very few do more than this. So far from its being, as in England, a reason for reelecting a man that he has been a member already, it is a reason for passing him by, and giving somebody else a turn. Rotation in office, dear to the Democrats of Jefferson's school a century ago, still charms the less educated, who see in it a recognition

of equality, and have no sense of the value of special [illegible] or training. They like it for the same reason that the democrats of Athens liked the choice of magistrates by lot. It is a recognition and application of equality. An ambitious congressman is [illegible] bound to think day and night of his re-[illegible], and to secure it not only by procuring, if he can, grants from the Federal treasury for local [illegible], and places for the relatives and friends of [illegible] wire-pullers who control the nominating [illegible], but also by assiduously "nursing" the [illegible] among the constituents. No habit could more effectually discourage noble ambition or check the growth of a class of accomplished statesmen.

The [illegible]-mentioned evil is aggravated by the [illegible] of a Congress. Short as it seems, the [illegible] was warmly opposed, when the Constitution was framed, as being too long. The constitutions of the several States, framed when they threw off the supremacy of the British Crown, all [illegible] except the ultra-democratic Connecticut, and those states, where under the colonial charters, elections took place every six months, and South Carolina, where they had been two years. So essential to [illegible] was this principle deemed, that the maxim "where annual elections end tyranny begins" [illegible] a proverb; and the authors of the Constitution were obliged to argue that the limited authority of Congress, watched by the Executive on the one hand and the State legislatures on the other, [illegible] to keep a period as two years from degenerating into liberty, while it was needed in order to enable the members to master the laws and [illegible] the conditions of different parts of the [illegible]. That the two years' term is justified [illegible] that it furnishes a proper check on the [illegible]. It is also felt that these frequent elec-

tions are necessary to keep up popular interest in current politics.

V. The numbers of the two American houses seem small to a European when compared on the one hand with the population of the country, on the other with the practice of European States. The Americans, however, doubt whether both their Houses have not already become too large. They began with twenty-six in the Senate, sixty-five in the House, numbers then censured as too small, but which worked well, and gave less encouragement to idle talk and vain display than the crowded halls of to-day. The inclination of wise men is to stop further increase when the number of four hundred has been reached, for they perceive that the House already suffers from disorganization, and fear that a much larger one would prove unmanageable.

VI. American congressmen are more assiduous in their attendance than the members of most European legislatures. The great majority not only remain steadily at Washington through the session, but are usually to be found in the Capitol, often in the Chamber itself, while a sitting lasts. There is therefore comparatively little trouble in making a quorum. The requirement of a high quorum, which is prescribed in the Constitution, has doubtless helped to secure a good attendance.

A division in Congress has not the importance it has in the House of Commons. There it may throw out the ministry. In Congress it never does more than affirm or negative some particular bill or resolution. Even a division in the Senate which involves the rejection of a treaty or of an appointment to some great office, does not disturb the tenure of the Executive. Hence it is not essential to the majority that its full strength should be always at hand, nor

has a minority party any great prize set before it as the result of a successful vote.

Questions, however, arise in which some large party interest is involved. There may be a bill by which the party means to carry out its main views of policy, or perhaps to curry favor with the people, or a resolution whereby it hopes to damage a hostile Executive. In such cases it is important to bring up every vote. The process of "going into caucus" is the regular American substitute for recognized leadership, and has the advantage of seeming more consistent with democratic equality, because every member of the party has in theory equal weight in the party meeting. It is used whenever a line of policy has to be settled, or the whole party to be rallied for a particular party division. But of course it cannot be employed every day or for every bill. Hence, when no party meeting has issued its orders, a member is free to vote as he pleases, or rather as he thinks his constituents please. The House caucus is more or less called into action according to the number and gravity of the party issues that come before Congress. In troublous times it has to be supplemented by something like obedience to regular leaders. The Senate is rather more jealous of the equality of all its members. No senator can be said to have any authority beyond that of exceptional talent and experience; and of course a senatorial caucus, since it rarely consists of more than fifty persons, is a better working body than a House caucus, which may reach two hundred.

The House of Representatives is for the purpose of serious party issues fully as much a party body as the House of Commons. A member voting against his party on such an issue is more certain to forfeit his party reputation and his seat than is an English member. This is true of both the Senate and the

House. But for the purpose of ordinary questions, of issues not involving party fortunes, a representative is less bound by party ties than an English member, because he has neither leaders to guide him by their speeches nor whips by their private instructions. The apparent gain is that a wider field is left for independent judgment on non-partisan questions. The real loss is that legislation becomes weak and inconsistent.

The spirit of party may seem to be weaker in Congress than in the people at large. But this is only because the questions which the people decide at the polls are always questions of choice between candidates for office. These are definite questions, questions eminently of a party character, because candidates represent in the America of to-day not principles but parties. Whenever a vote upon persons occurs in Congress, Congress gives a strict party vote. Were the people to vote at the polls on matters not explicitly comprised within a party platform, there would be the same uncertainty as Congress displays. The habit of joint action which makes the life of a party is equally intense in every part of the American system. But in England the existence of a Ministry and Opposition in Parliament sweeps within the circle of party action many topics which in America are left outside, and therefore Congress seems, but is not, less permeated than Parliament by party spirit.

CHAPTER XVII.

THE RELATIONS OF CONGRESS TO THE PRESIDENT

So far as they are legislative bodies, the House and the Senate have similar powers and stand in the same relation to the Executive. Although the Constitution forbids any Federal official to be chosen a member of either the House or the Senate, there is noth-

ing in it to prevent officials from speaking there; as indeed there is nothing to prevent either House from assigning places and the right to speak to any one whom it chooses. Now, however, no Federal officer appears on the floor. A committee may request the attendance of a minister and examine him, but he appears before it only as a witness to answer questions, not to state and argue his own case. There is therefore little direct intercourse between Congress and the administration, and no sense of interdependence and community of action such as exists in other parliamentary countries.

The President himself, although he has been voted into office by his party, is not necessarily its leader, nor even one among its most prominent leaders. The expression of his wishes conveyed in a message has not necessarily any more effect on Congress than an article in a prominent party newspaper. No duty lies on Congress to take up a subject to which he has called attention as needing legislation. The President and his Cabinet have no recognized spokesman in either House. A particular senator or representative may be in confidential communication with them, and be the instrument through whom they seek to act; but he would probably disavow rather than claim the position of an exponent of ministerial wishes. When the President or a minister is attacked in Congress, it is not the duty of any one there to justify his conduct. The accused official may send a written defense or may induce a member to state his case; but this method lacks the advantages of the European parliamentary system, under which the person assailed repels in debate the various charges, showing himself not afraid to answer fresh questions and grapple with new points. Thus by its exclusion from Congress the executive is deprived of the power of leading and guiding the legis-

lature and of justifying in debate its administrative acts.

Either House of Congress, or both Houses jointly, can pass resolutions calling on the President or his ministers to take certain steps, or censuring steps they have already taken. The President need not obey such resolutions, need not even notice them. They do not shorten his term or limit his discretion. If the resolution be one censuring a minister, or demanding his dismissal, there is another ground on which the President may disregard it. The act is in law not the minister's act, but that of the President himself, and he does not therefore escape responsibility by throwing over his adviser.

Either House of Congress can direct a committee to summon and examine a minister, who, though he might legally refuse to attend, never does refuse. The committee, when it has got him, can do nothing more than question him. He may evade their questions, may put them off the scent by dexterous concealments. He may with impunity tell them that he means to take his own course. To his own master, the President, he standeth or falleth.

Congress may refuse to the President the legislation he requests, and thus, by mortifying and embarrassing him, may seek to compel his compliance with its wishes. It is only a timid President, or a President greatly bent on accomplishing some end for which legislation is needed, who will be moved by such tactics.

Congress can pass bills requiring the President or any minister to do or abstain from doing certain acts of a kind hitherto left to his free will and judgment, —may, in fact, endeavor to tie down the officials by prescribing certain conduct for them in great detail. The President will presumably veto such bills, as contrary to sound administrative policy. If, however,

he signs them, or if Congress passes them by a two-thirds vote in both Houses over his veto, the further question may arise whether they are within the constitutional powers of Congress, or are invalid as unduly trenching on the discretion which the Constitution leaves to the President. If he (or a minister), alleging them to be unconstitutional, disobeys them, the only means of deciding whether he is right is by getting the point before the Supreme Court as an issue of law in some legal proceeding. This cannot always be done. If it is done, and the court decides against the President, then if he still refuses to obey, nothing remains but to impeach him.

Impeachment is the heaviest piece of artillery in the Congressional arsenal, but because it is so heavy it is unfit for ordinary use. Since 1789 it has been used only once against a President, and then, although that President (Andrew Johnson) had for two years constantly, and with great intemperance of language, so defied and resisted Congress that the whole machinery of government had been severely strained by the collision of the two authorities, yet the Senate did not convict him, because no single offense had been clearly made out. Thus impeachment does not tend to secure, and indeed was never meant to secure, the cooperation of the Executive with Congress.

It accordingly appears that Congress cannot compel the dismissal of any official. It may investigate his conduct by a committee and so try to drive him to resign. It may request the President to dismiss him, but if his master stands by him and he sticks to his place, nothing more can be done. He may of course be impeached, but one does not impeach for mere incompetence or laxity, as one does not use steam hammers to crack nuts. Thus, while Congress may examine the servants of the public to any

extent, may censure them, may lay down rules for their guidance, it cannot get rid of them.

There remains the power which in free countries has been long regarded as the citadel of parliamentary supremacy, the power of the purse. Congress has the sole right of raising money and appropriating it to the service of the State. Its management of national finance is significantly illustrative of the plan which separates the legislative from the Executive. When Congress has endeavored to coerce the President by the use of its money powers, the case being one in which it could not attack him by ordinary legislation (either because such legislation would be unconstitutional, or for want of a two-thirds majority), it has proceeded not by refusing appropriations altogether, as the English House of Commons would do in like circumstances, but by attaching what is called a "rider" to an appropriation bill. In 1867 Congress used this device against President Johnson, with whom it was then at open war, by attaching to an army appropriation bill a clause which virtually deprived the President of the command of the army, entrusting its management to the general highest in command (General Grant). The President yielded, knowing that if he refused the bill would be carried over his veto by a two-thirds vote; and a usage already mischievous was confirmed. In 1879, the majority in Congress attempted to overcome, by the same weapon, the resistance of President Hayes to certain measures affecting the South which they desired to pass. They tacked these measures to three appropriation bills, army, legislative, and judiciary. The minority in both Houses fought hard against the riders, but were beaten. The President vetoed all three bills, and Congress was obliged to pass them without the riders. Next session the struggle recommended in the same form,

and the President, by rejecting the money bills, again compelled Congress to drop the tacked provisions. This victory, which was of course due to the fact that the dominant party in Congress could not command a two-thirds majority, was deemed to have settled the question as between the Executive and the legislature, and may have permanently discouraged the latter from recurring to the same tactics.

CHAPTER XVIII.

THE LEGISLATURE AND THE EXECUTIVE

The fundamental characteristic of the American national government is its separation of the legislative, executive, and judicial departments. In Europe, as well as in America, men are accustomed to talk of legislation and administration as distinct. But a consideration of their nature will show that it is not easy to separate these two departments in theory by analysis, and still less easy to keep them apart in practice.

Wherever the will of the people prevails, the legislature, since it either is or represents the people, can make itself omnipotent, unless checked by the action of the people themselves. It can do this in two ways. It may, like the republics of antiquity, issue decrees for particular cases as they arise, giving constant commands to all its agents, who thus become mere servants with no discretion left them. Or it may frame its laws with such particularity as to provide by anticipation for the greatest possible number of imaginable cases, in this way also so binding down its officials as to leave them no volition, no real authority. Every legislature tends so to enlarge its powers as to encroach on the Executive; and it has great advantages for so doing, because a succeeding

legislature rarely consents to strike off any fetter its predecessor has imposed.

The founders of the American Constitution were terribly afraid of a strong Executive, and desired to reserve the final and decisive voice to the legislature, as representing the people. It was urged in the Philadelphia Convention of 1787 that the Executive ought to be appointed by and made accountable to the legislature, as being the supreme power in the national government. This was overruled, because the majority of the Convention was fearful of "democratic haste and instabililty," fearful that the legislature would, in any event, become too powerful, and therefore anxious to build up some counter authority to check and balance it. By making the President independent, and keeping him and his ministers apart from the legislature, the Convention thought they were strengthening him, as well as protecting it from attempts on his part to corrupt it. They were also weakening him. He lost the initiative in legislation which the English Executive enjoys. He had not the English King's power of dissolving the legislature and throwing himself upon the country. Thus the executive magistrate seemed left at the mercy of the legislature.

Although the Convention may not have realized how helpless such a so-called Executive must be, they felt the danger of encroachments by an ambitious legislature, and resolved to strengthen him against it. This was done by giving the President a veto which it requires a two-thirds vote of Congress to override. In doing this they went back on their previous action. They had separated the President and his ministers from Congress. They now bestowed on him legislative functions, though in a different form. He became a distinct branch of the legislature, but for negative purposes only. He

could not propose, but he could refuse. Thus the Executive was strengthened, not as an Executive, but by being made a part of the legislature; and the legislature, already weakened by being divided into two co-equal houses, was further weakened by finding itself liable to be arrested in any new departure on which two thirds of both Houses were not agreed.

When the two Houses are of one mind, and the party hostile to the President has a two-thirds majority in both, the Executive is almost powerless. It may be right that he should be powerless, because such majorities in both Houses presumably indicate a vast preponderance of popular opinion against him. The fact to be emphasized is, that in this case all "balance of powers" is gone. The legislature has swallowed up the Executive, in virtue of the principle from which this discussion started, viz., that the Executive is in free States only an agent who may be limited by such express and minute commands as to have no volition left him.

The strength of Congress consists in the right to pass statutes; the strength of the President in his right to veto them. But foreign affairs, as we have seen, cannot be brought within the scope of statutes. How, then, was the American legislature to deal with them? The initiative in foreign policy and the conduct of negotiation were left to the President, but the right of declaring war was reserved to Congress, and that of making treaties to one, the smaller and more experienced, branch of the legislature. A measure of authority was thus suffered to fall back to the Executive which would have served to raise materially his position had foreign questions played as large a part in American politics as they have in French or English.

The President is commander-in-chief of the army, but the numbers and organization of the army are

fixed by statute. The President makes appointments, but the Senate has the right of rejecting them, and Congress may pass acts specifying the qualifications of appointees, and reducing the salary of any official except the President himself and the judges. The real strength of the Executive therefore, the rampart from behind which it can resist the aggressions of the legislature, is in ordinary times the veto power. In other words, it survives, as an executive, in virtue not of any properly executive function, but of the share in legislative functions which it has received; it holds its ground by force, not of its separation from the legislature, but of its participation in a right properly belonging to the legislature.

An authority which depends on a veto capable of being overruled by a two-thirds majority may seem frail. But the Executive has some independence. He is strong for defense, if not for attack. Congress can, except within that narrow sphere which the Constitution has absolutely reserved to him, baffle the President, can interrogate, check, and worry his ministers. But it can neither drive him the way it wishes him to go, nor dismiss them for disobedience or incompetence.

An individual man has some great advantages in combating an assembly. His counsels are less distracted. His secrets are better kept. He may sow discord among his antagonists. He can strike a more sudden blow. But in a struggle extending over a long course of years an assembly has advantages over a succession of officers, especially of elected officers. Men come and go, but an assembly goes on forever; it is immortal, because while the members change, the policy, the passion for extending its authority, the tenacity in clinging to what has once been gained, remain persistent. A weak magistrate

comes after a strong magistrate, and yields what his predecessor had fought for; but an assembly holds all it has ever won. Thus Congress has succeeded in occupying nearly all the ground which the Constitution left debatable between the President and itself; and would, did it possess a better internal organization, be even more plainly than it now is the supreme power in the government.

THE STATE GOVERNMENTS

THE AMERCIAN SYSTEM OF GOVERNMENT

The State Governments

CHAPTER I.

NATURE OF THE STATE

The American State is a peculiar organism, unlike anything in modern Europe, or in the ancient world. The only parallel is to be found in the cantons of the Switzerland of our own day.

There are forty-five States in the American Union, varying in size from Texas, with an area of 265,780 square miles, to Rhode Island, with an area of 1,250 square miles. The largest State is much larger than either France or the Germanic Empire, while the smallest is smaller than Warwickshire or Corsica.

The older colonies had different historical origins. Virginia and North Carolina were unlike Massachusetts and Connecticut; New York, Pennsylvania, and Maryland different from both; while in recent times the stream of European immigration has filled some States with Irishmen, others with Germans, others with Scandinavians, and has left most of the Southern States wholly untouched.

Nevertheless, the form of government is in its main outlines, and to a large extent even in its actual working, the same in all these forty-five republics, and the differences, instructive as they are, relate to points of secondary consequence.

The States fall naturally into five groups:—

The New England States—Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, Maine.

The Middle States — New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Indiana.

The Southern States—Virginia, West Virginia (separated from Virginia during the Civil War), North Carolina, South Carolina, Georgia, Alabama, Florida, Kentucky, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, Texas.

The Northwestern States—Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Colorado, North Dakota, South Dakota, Wyoming, Montana, Idaho, Utah.

The Pacific States—California, Nevada, Oregon, Washington.

Each of these groups has something distinctive in the character of its inhabitants, which is reflected, though more faintly now than formerly, in the character of its government and politics.

Dissimilarity of population and of external conditions seems to make for a diversity of constitutional and political arrangements between the States; so also does the large measure of legal independence which each of them enjoys under the Federal Constitution. No State can, as a commonwealth, politically deal with or act upon any other State. No diplomatic relations can exist nor treaties be made between States, no coercion can be exercised by one upon another. And although the government of the Union can act on a State, it rarely does act, and then only in certain strictly limited directions, which

do not touch the inner political life of the commonwealth.

He who looks at a map of the Union will be struck by the fact that so many of the boundary lines of the States are straight lines. Those lines tell the same tale as the geometrical plans of cities like St. Petersburg or Washington, where every street runs at the same angle to every other. The States are not natural growths. Their boundaries are for the most part not natural boundaries fixed by mountain ranges, nor even historical boundaries due to a series of events, but purely artificial boundaries, determined by an authority which carved the national territory into strips of convenient size, as a building company lays out its suburban lots. Of the States subsequent to the originial thirteen, California is the only one with a genuine natural boundary, finding it in the chain of the Sierra Nevada on the east and the Pacific ocean on the west. No one of these later States can be regarded as a naturally developed political organism. They are trees planted by the forester, not self-sown with the help of the seed-scattering wind. This absence of physical lines of demarcation has tended and must tend to prevent the growth of local distinctions. Nature herself seems to have designed the Mississippi basin, as she has designed the unbroken levels of Russia, to be the dwelling-place of one people.

Each State makes its own Constitution; that is, the people agree on their form of government for themselves, with no interference from the other States or from the Union. This form is subject to one condition only: it must be republican. It was the obvious course for the newer States to copy the organizations of the older States, especially as these agreed with certain familiar features of the Federal Constitution. Hence the outlines, and even the

phrases of the elder constitutions reappear in those of the more recently formed States.

Nowhere is population in such constant movement as in America. In some of the newer States only one fourth or one fifth of the inhabitants are natives of the United States. Many of the townsfolk, not a few even of the farmers, have been till lately citizens of some other State, and will, perhaps, soon move on farther west. These Western States are like a chain of lakes through which there flows a stream which mingles the waters of the higher with those of the lower. In such a constant flux of population local peculiarities are not readily developed, or if they have grown up when the district was still isolated, they disappear as the country becomes filled.

Still more important is the influence of railway communication, of newspapers, of the telegraph. A Greek city like Samos or Mitylene, holding her own island, preserved a distinctive character in spite of commercial intercourse and the sway of Athens. A Swiss canton like Uri or Appenzell, entrenched behind its mountain ramparts, remains, even now, under the strengthened central government of the Swiss nation, unlike its neighbors of the lower country. But an American State traversed by great trunk lines of railway, and depending on the markets of the Atlantic cities and of Europe for the sale of its grain, cattle, bacon, and minerals, is attached by a hundred always tightening ties to other States, and touched by their weal or woe as nearly as by what befalls within its own limits. The leading newspapers are read over a vast area. The inhabitants of each State know every morning the events of yesterday over the whole Union.

Finally, the political parties are the same in all the States. The tenets of each party are in the main the same everywhere, their methods the same, their lead-

ers the same, although of course a prominent man enjoys especial influence in his own State. Hence, State politics are largely swayed by forces and motives external to the particular State, and common to the whole country, or to great sections of it; and the growth of local parties, the emergence of local issues and development of local political schemes, are correspondingly restrained.

These considerations explain why the States, notwithstanding the original diversities between some of them, and the wide scope for political divergence which they will enjoy under the Federal Constitution, are so much less dissimilar and less peculiar than might have been expected. Each of the States has its own—

Constitution.
Executive, consisting of a governor and various other officials.
Legislature of two Houses.
System of local government in counties, cities, townships, and school districts.
System of State and local taxation.
Debts, which it may repudiate at its own pleasure.
Body of private law, including the whole law of real and personal property, of contracts, of torts, and of family relations.
Courts, from which no appeal lies (except in cases touching Federal legislation or the Federal Constitution) to any Federal court.
System of procedure, civil and criminal.
Citizenship, which may admit persons (e.g., recent immigrants) to be citizens at times, or on conditions, wholly different from those prescribed by other States.

Three points deserve to be noted as illustrating what these attributes include.

I. A man gains active citizenship of the United States (i.e., a share in the government of the Union) only by becoming a citizen of some particular State. Being such citizen, he is forthwith entitled to the national franchise. That is to say, voting power in the State carries voting power in Federal elections, and however lax a State may be in its grant of such power (e.g., to foreigners just landed or to persons convicted of crime), these State voters will have the right of voting in congressional and presidential elections. Under the present naturalization laws a foreigner must have resided in the United State for five years, and for one year in the State or Territory where he seeks admission to United States citizenship, and must declare two years before he is admitted that he renounces allegiance to any foreign prince or state. Naturalization makes him a citizen not only of the United States, but of the State or Territory where he is admitted, but does not necessarily confer the electoral franchise, for that depends on State laws. In more than a third of the States the electoral franchise is now enjoyed by persons not naturalized as United States citizens. The only restriction on the States in this matter is that of the fourteenth and fifteenth Constitutional amendments. They were intended to secure equal treatment to the negroes, and incidentally they declare the protection given to all citizens of the United States.

II. The power of a State over all communities within its limits is absolute. It may grant or refuse local government as it pleases. The population of the city of Providence is more than one third of that of the State of Rhode Island, the population of New York city about one half that of the State of New York. But the State might in either case extinguish the municipality, and govern the city by a single State commissioner appointed for the purpose, or

leave it without any government whatever. The city would have no right of complaint to the Federal President or Congress against such a measure.

III. A State commands the allegiance of its citizens, and may punish them for treason against it. Allegiance to the State must be taken to be subordinate to allegiance to the Union. But allegiance to the State still exists; treason against the State is still possible.

These are illustrations of the doctrine that the American States were originally in a certain sense, and still for certain purposes remain, sovereign States. Each of the original thirteen became sovereign [in domestic affairs] when it revolted from the mother country in 1776. By entering the Confederation of 1781-'88 it parted with one or two of the attributes of sovereignty; by accepting the Federal Constitution in 1788 it subjected itself for certain specified purposes to a central government, but claimed to retain its sovereignty for all other purposes. That is to say, the authority of a State is an inherent, not a delegated, authority. It has all the powers which any independent government can have, except such as it can be affirmatively shown to have stripped itself of, while the Federal government has only such powers as it can be affirmatively shown to have received. To use the legal expression, the presumption is always for a State, and the burden of proof lies upon any one who denies its authority in a particular matter.

What State sovereignty means and includes is a question which incessantly engaged the most active legal and political minds of the nation, from 1789 down to 1870. Since the Civil War the term "State sovereignty" has been but seldom heard. Even "States' rights" have a different meaning from that which they had forty years ago.

What, then, do the rights of a State now include? Every right or power of a government except:—

The right of secession (not abrogated in terms, but admitted since the war to be no longer claimable. It is expressly negatived in the recent constitutions of several Southern States).

Powers which the Constitution withholds from the States (including that of intercourse with foreign governments).

Powers which the Constitution expressly confers on the Federal government.

As respects some powers of the last class, however, the States may act concurrently with, or in default of action by, the Federal government. It is only from contravention of its action that they must abstain. And where contravention is alleged to exist, whether legislative or executive, it is by a court of law, and, in case the decision is in the first instance favorable to the pretentions of the State, ultimately by a Federal court, that the question fails to be decided.

A reference to the preceding list of what each State may create in the way of distinct institutions will show that these rights practically cover nearly all the ordinary relations of citizens to one another and to their government. An American may, through a long life, never be reminded of the Federal government, except when he votes at presidential and congressional elections.

Looking at this immense compass of State functions, Jefferson would seem to have been not far wrong when he said that the Federal government was nothing more than the American department of foreign affairs. But although the national government touches the direct interests of the citizens less than does the State government, it touches his senti-

ment more. Hence the strength of his attachment to the former and his interest in it must not be measured by the frequency of his dealings with it. In the partitionment of governmental functions between nation and State, the State gets the most but the nation the highest, so the balance between the two is preserved. Thus every American citizen lives in a duality of which Europeans, always excepting Swiss, and to some extent the Germans, have no experience. He lives under two governments and two sets of laws; he is animated by two patriotisms and owes two allegiances. That these should both be strong and rarely be in conflict is most fortunate. It is the result of skillful adjustment and long habit, of the fact that those whose votes control the two sets of governments are the same persons, but above all of that harmony of each set of institutions with the other set, a harmony due to the identity of the principles whereon both are founded, which makes each appear necessary to the stability of the other, the States to the nation as its basis, the national government to the States as their protector.

CHAPTER II.

STATE CONSTITUTIONS

The government of each of the forty-five States is determined by and set forth in its Constitution, a comprehensive fundamental law, or rather group of laws included in one instrument, which has been directly enacted by the people of the State, and is capable of being repealed or altered, not by their representatives, but by themselves alone. As the Constitution of the United States stands above Congress and out of its reach, so the Constitution of each State stands above the legislature of that State, cannot be varied in any particular by Acts of the State

legislature, and involves the invalidity of any statute passed by the legislature which a court of law may find to be inconsistent with it.

The State Constitutions are the oldest things in the political history of America, for they are the continuations and representatives of the royal colonial charters, whereby the earliest English settlements in America were created, and under which their several local governments were established, subject to the authority of the English Crown, and ultimately of the British parliament. But, like most of the institutions under which English-speaking peoples now live, they have a pedigree which goes back to a time anterior to the discovery of America itself. It begins with the English Trade Guild of the Middle Ages, itself the child of still more ancient corporations, dating back to the days of imperial Rome, and formed under her imperishable law.

When, in 1776, the thirteen colonies threw off their allegiance to King George III., and declared themselves independent States, the colonial charter naturally became the State Constitution. In most cases it was remodeled, with large alterations, by the revolting colony. But in three States it was maintained unchanged, except, of course, so far as crown authority was concerned, viz., in Massachusetts till 1780, in Connecticut till 1818, and in Rhode Island till 1842. The other States admitted to the Union in addition to the original thirteen, have all entered it as organized self-governing communities, with their Constitutions already made by their respective peoples. Each Act of Congress which admits a new State admits it as a subsisting commonwealth, recognizing rather than affecting to sanction its Constitution. Congress may impose conditions which the State Constitution must fulfil. But the authority of the State Constitutions does not flow from Congress,

but from acceptance by the citizens of the States for which they are made.

The State Constitutions of America well deserve to be compared with those of the self-governing British colonies. But one remarkable difference must be noted here. The constitutions of British colonies have all proceeded from the Imperial Parliament of the United Kingdom, which retains its full legal power of legislating for every part of the British dominions. In many cases a colonial constitution provides that it may be itself altered by the colonial legislature, of course with the assent of the Crown; but inasmuch as in its origin it is a statutory constitution, not self-grown, but planted as a shoot by the Imperial Parliament at home, Parliament may always alter or abolish it. Congress, on the other hand, has no power to alter a State Constitution. And whatever power of alteration has been granted to a British colony is exercisable by the legislature of the colony, not, as in America, by the citizens at large.

The original Constitutions of the States, whether of the old thirteen or of the newer commonwealths, have been in nearly all cases, except the most recent, subsequently recast, in some instances five, six, or seven times, as well as amended in particular points.

The Constitutions of the revolutionary period were in a few instances enacted by the State legislature, acting as a body with plenary powers, but more usually by the people acting through a convention, i.e., a body especially chosen by the voters at large for the purpose, and invested with full powers, not only of drafting, but of adopting the instrument of government. But the usual practice in later times has been for the convention, elected by the voters, to submit, in accordance with the precedent set by Massachusetts in 1780, the draft Constitution framed by it

to the citizens of the State at large, who vote upon it Yes or No. They usually vote on it as a whole and adopt or reject it en bloc, but sometimes provision is made for voting separately on some particular point or points.

The people of a State retain forever in their hands, altogether independent of the national government, the power of altering their Constitution. When a new Constitution is to be prepared, or the existing one amended, the initiative usually comes from the legislature, which (either by a simple majority, or by a two-thirds majority, or by a majority in two successive legislatures, as the Constitution may in each instance provide) submits the matter to the voters in one of two ways. In may either propose to the people certain specific amendments, or it may ask the people to decide by a direct popular vote on the propriety of calling a constitutional convention to revise the whole existing Constitution. In the former case the amendments suggested by the legislature are directly voted on by the citizens; in the latter the legislature, as soon as the citizens have voted for the holding of a convention, provides for the election of the people of this convention. When elected, the convention meets, sets to work, goes through the old Constitution, and prepares a new one, which is then presented to the people for ratification or rejection at the polls. Be it observed, however, that whereas the Federal Constitution can be amended only by a vote of three fourths of the States, a Constitution can in nearly every State be changed by a bare majority of the citizens voting at the polls. Hence we may expect and shall find, that these instruments are altered more frequently and materially than the Federal Constitution has been

A State Constitution is not only independent of the

central national government (save in certain points already specified), it is also the fundamental organic law of the State itself. The State exists as a commonwealth by virtue of its Constitution, and all State authorities, legislative, executive, and judicial, are the creatures of, and subject to, the State Constitution. Just as the President and Congress are placed beneath the Federal Constitution, so the governor and Houses of a State are subject to its Constitution, and any act of theirs done either in contravention of its provisions, or in excess of the powers it confers on them, is absolutely void. All that has been said in preceding chapters regarding the functions of the courts of law where an act of Congress is alleged to be inconsistent with the Federal Constitution, applies equally where a statute passed by a State legislature is alleged to transgress the Constitution of the State, and of course such validity may be contested in any court, whether a State court or a Federal court, because the question is an ordinary question of law, and is to be solved by determining whether or no a law of inferior authority is inconsistent with a law of superior authority. Whenever in any legal proceeding before any tribunal, either party relies on a State statute, and the other party alleges that this statute is ultra vires of the State legislature, and therefore void, the tribunal must determine the question just as it wonld determine whether a by-law made by a municipal council or a railway company was in excess of the law-making power which the municipality or the company had received from the higher authority which incorporated it and gave it such legislative power as it possesses. But although Federal courts are fully competent to entertain a question arising on the construction of a State Constitution, their practice is to follow the precedents set by any decision of a court

of the State in question, just as they would follow the decision of an English court in determining a point of purely English law. They hold not only that each State must be assumed to know its own law better than a stranger can, but also that the supreme court of a State is the authorized exponent of the mind of the people who enacted its Constitution.

A State Constitution is really nothing but a law made directly by the people voting at the polls upon a draft submitted to them. The people of a State when they so vote act as a primary and constituent assembly, just as if they were all summoned to meet in one place like the folkmoots of our Teutonic forefathers. It is only their numbers that prevent them from so meeting in one place, and to oblige the vote to be taken at a variety of polling places. Hence the enactment of a Constitution is an exercise of direct popular sovereignty to which we find few parallels in modern Europe, though it was familiar enough to the republics of antiquity, and has lasted till now in some of the cantons of Switzerland.

State Constitutions have less capacity for development, whether by interpretation or by usage, than the Constitution of the United States: first, because they are more easily, and therefore more frequently, amended or recast; second, because they are far longer, and go into much more minute detail. The Federal Constitution is so brief and general that custom must fill up what it has left untouched, and judicial construction evolve the application of its terms to cases they do not expressly deal with. But the later State Constitutions are so full and precise that they need little in the way of expansive construction, and leave comparatively little room for the action of custom.

The rules of interpretation are in the main the same as those applied to the Federal Constitution.

One important difference must, however, be noted, springing from the different character of the two governments. The national government is an artificial creation, with no powers except those conferred by the instrument which created it. A State government is a natural growth, which prima facie possesses all the powers incident to any government whatever. Hence, if the question arises whether a State legislature can pass a law on a given subject, the presumpton is that it can do so: and positive grounds must be adduced to prove that it cannot. It may be restrained by some inhibition either in the Federal Constitution, or in the Constitution of its own State. But such inhibition must be affirmatively shown to have been imposed, or to put the same point in other words, a State Constitution is held to be, not a document conferring defined and specified powers on the legislature, but one regulating and limiting that general authority which the representatives of the people enjoy ipso jure by their organization into a legislative body.

The executive and legislative departments of a State government have of course the right and duty of acting in the first instance on their view of the meaning of the Constitution. But the ultimate expounder of that meaning is the judiciary; and when the courts of a State have solemnly declared the true construction of any provision of the Constitution, all persons are bound to regulate their conduct accordingly. This authority of the Amer[illegible]ts is not in the nature of a poli[illegible]y power vested in them; it is a [illegible]ary consequence of the existe[illegible]law superior to any statute [illegible]ay enact, or to any right [illegible]nceive himself to possess. [illegible]Amer[illegible]ican decision:

"In exercising this high authority the judges claim no judicial supremacy; they are only the administrators of the public will. If an Act of the legislature is held void, it is not because the judges have any control over the legislative power, but because the Act is forbidden by the Constitution, and because the will of the people, which is therein declared, is paramount to that of their representatives expressed in any law."

It is a well-established rule that the judges will always lean in favor of the validity of a legislative Act; that if there be a reasonable doubt as to the constitutionality of a statute they will solve that doubt in favor of the statute; that where the legislature has been left to a discretion they will assume the discretion to have been wisely exercised; that where the construction of a statute is doubtful, they will adopt such construction as will harmonize with the Constitution, and enable it to take effect. So it has been well observed that man might with perfect consistency argue as a member of a legislature against a bill on the ground that it is unconstitutional, and after having been appointed a judge, might in his judicial capacity sustain its constitutionality. Judges must not inquire into the motives of the legislature, nor refuse to apply an Act because they may suspect that it was obtained by fraud or corruption, still less because they hold it to be opposed to justice and sound policy. "But when a statute is adjudged to be unconstitutional, it is as if it had never been. Rights cannot be built up under it; contracts which depend upon it for their consideration are void; it constitutes a protection to no one who has acted under it; and no one can be punished for having refused obedience to it before the decision was made. And what is true of an Act void in toto, is true also as to any part of an Act which is found

to be unconstitutional, and which consequently is to be regarded as having never at any time been possessed of legal force."

CHAPTER III.

THE DEVELOPMENT OF STATE CONSTITUTIONS

Three periods may be dstinguished in the development of State governments as set forth in the Constitutions, each period marked by an increase in the length and minuteness of those instruments.

The first period covers about thirty years from 1776 downward, and includes the earlier Constitutions of the original thirteen States, as well as of Kentucky, Vermont, Tennessee, and Ohio.

Most of these Constitutions were framed under the impressions of the Revolutionary War. They manifest a dread of executive power and of military power, together with a disposition to leave everything to the legislature, as being the authority directly springing from the people. The election of a State governor is in most States vested in the legislature. He is nominally assisted, but in reality checked, by a council not of his own choosing. He has not (except in Massachusetts) a veto on the Acts of the legislature. He has not, like the royal governors of colonial days, the right of adjourning or dissolving it. The idea of giving power to the people directly has scarcely appeared, because the legislature is conceived as the natural and necessary organ of popular government, much as the House of Commons is in England. And hence many of these early Constitutions consist of little beyond an elaborate Bill of Rights and a comparatively simple outline of a frame of government, establishing a representative legislature, with a few executive officers and courts of justice carefully separated therefrom.

The second period covers the first half of the nineteenth century down to the time when the intensity of the party struggles over slavery (1850–'60) interrupted to some extent the natural processes of State development. It is a period of the democratization of all institutions, a democratization due not only to causes native to American soil, but to the influence upon the generation which had then come to manhood of French republican ideas. Such provisions for the maintenance of religious institutions by the State as had continued to exist are now swept away. The principle prevails that Constitutions must be directly enacted by popular vote. The choice of a governor is taken from the legislature to be given to the people. Property qualifications are abolished, and a suffrage practically universal, except that it often excludes free persons of color, is introduced. Even the judges are not spared. Many Constitutions shorten their term of office, and direct them to be chosen by popular vote. The State has emerged from the English conception of a community acting through a ruling legislature, for the legislature begins to be regarded as being only a body of agents exercising delegated and restricted powers, and obliged to recur to the sovereign people (by asking for a constitutional amendment), when it seeks to extend these powers in any particular direction. The increasing length of the Constitutions during this half century shows how the range of the popular vote has extended, for these documents now contain a mass of ordinary law on matters which in the early days would have been left to the legislatures.

In the third period, which begins from about the time of the Civil War, a slight reaction may be discerned, not against popular sovereignty, which is stronger than ever, but in the tendency to strengthen the executive and judicial departments. The gover-

nor had begun to receive in the second period, and has now in practically all the States, a veto on the acts of the legislature. His tenure of office has been generally lengthened; the restrictions on his reeligibility generally removed. In many States the judges have been granted larger salaries, and their terms of office lengthened. Some Constitutions have even transferred judicial appointments from the vote of the people to the Executive. But the most notable change of all has been the narrowing of the competence of the legislature, and the tying up of its action by a variety of complicated restrictions. It may seem that to take powers away from the legislature is to give them to the people, and is therefore another step toward pure democracy. But in America this is not so, because a legislature always yields to any popular clamor, however transient, while direct legislation by the people involves some delay. Such provisions are therefore conservative in their results, and are really checks imposed by the citizens upon themselves. This process of development, which has first exalted and then depressed the legislature, which has extended the direct interference of the people, which has changed the Constitution itself from a short into a long, a simple into a highly complex document, has of course not yet ended.

The influences at work, the tendencies which the constitutions of the last fifty years reveal, are evidently the same over the whole Union. What are the chief of those tendencies? One is for the Constitutions to grow longer. The new Constitutions are longer, not only because new topics are taken up and dealt with, but because the old topics are handled in far greater detail. Such matters as education, ordinary private law, railroads, State and municipal indebtedness, were either untouched or lightly touched in the earlier instruments. The provisions

regarding the judiciary and the legislature, particularly those restricting the power of the latter, have grown far more minute of late years. As the powers of a State legislature are prima facie unlimited, these bodies can be restrained only by enumerating the matters withdrawn from their competence and the list grows always ampler.

The suffrage is now in almost every State enjoyed by all adult males. Citizenship is quickly and easily accorded to immigrants. And, most significant of all, the superior judges, who were formerly named by the governor, or chosen by the legislature, and who held office during good behavior, are now in most States elected by the people for fixed terms of years. I do not ignore the strongly-marked democratic character of even the first set of Constitutions, formed at and just after the Revolution; but that character manifested itself chiefly in negative provisions, i.e., in forbidding exercises of power by the Executive, in securing full civil equality and the primordial rights of the citizens. The new democratic spirit is positive as well as negative. It refers everything to the direct arbitrament of the people. It calls their will into constant activity, sometimes by the enactment of laws on various subjects in the Constitution, sometimes by prescribing to the legislature the purposes which legislation is to aim at.

All the States of the Union are democracies, and democracies of nearly the same type. Yet while some change their Constitutions frequently, others scarcely change theirs at all. Of the causes of these differences I will now touch on two only. One is the attachment which in an old and historic, a civilized and well-educated community, binds the people to their accustomed usages and forms of government. It is the newer States, without a past to revere, with a population undisciplined or fluctuating, that are

prone to change. In well-settled commonwealths the longer a Constitution has stood untouched, the longer it is likely to stand, because the force of habit is on its side, because an intelligent people learns to value the stability of its institutions, and to love that which it is proud of having created.

The other cause is the difference between the swiftness with which economic and social changes move in different parts of the country. They are the most constant sources of political change, and find their natural expression in alterations of the Constitution. Such changes have been least swift and least sudden in the New England and Middle States, though in some of the latter the growth of great cities, such as New York and Philadelphia, has induced them, and induced therewith a tendency to amend the Constitutions so as to meet new conditions and check new evils. They have been most marked in regions where population and wealth have grown with unexampled speed, and in those where the extinction of slavery has changed the industrial basis of society. Here lies the explanation of the otherwise singular fact that several of the original States, such as Virginia and Georgia, have run through many Constitutions. These whilom slave States have not only changed greatly but changed suddenly: society was dislocated by the Civil War, and has had to make more than one effort to set itself right.

Putting all these facts together, the American democracy seems less inclined to changefulness and inconstancy than either abstract considerations or the descriptions of previous writers, such as De Tocqueville, would have led us to expect.

The Constitutions witness to a singular distrust by the people of its own agents and officers, not only of the legislatures but also of local authorities, as

well rural as urban, whose powers of borrowing or undertaking public works are strictly limited. They witness also to a jealousy of the Federal government. By most Constitutions a Federal official is made incapable, not only of State office, but of being a member of a State legislature. These prohibitions are almost the only references to the national government to be found in the State constitutions, which so far as their terms go might belong to independent communities. They usually talk of corporations belonging to other States as "foreign," and sometimes try to impose special burdens on them. They show a wholesome anxiety to protect and safeguard private property in every way. The people's consciousness of sovereignty has not used the opportunity which the enactment of a Constitution gives to override private rights: there is rather a desire to secure such rights from any encroachment by the legislature: witness the frequent provisions against the taking of property without due compensation, and against the passing of private or personal statutes which could unfairly affect individuals. The only exceptions to this rule are to be found in the case of anything approaching a monopoly, and in the case of wealthy corporations. Some departments of governmental action, which on the continent of Europe have long been handled by the State, are in America still left to private enterprise. For instance, the States neither own nor manage railways, or telegraphs, or mines, or forests, and they sell their public lands instead of working them. There is, nevertheless, visible in recent Constitutions a tendency to extend the scope of public administrative activity. Nearly all the newer instruments established bureaus of agriculture, labor offices, mining commissioners, land registration offices, railroad commissioners, in-

surance commissioners, dairy commissioners, and agricultural or mining colleges.

A spirit of humanity and tenderness for suffering, very characteristic of the American people, appears in the directions which many Constitutions contain for the establishment of charitable and reformatory institutions. Sometimes the legislature is enjoined to provide that the prisons are made comfortable. On the other hand, this tenderness is qualified by the judicious severity which in most States debars persons convicted of crime from the electoral franchise.

In the older Northern Constitutions, and in nearly all the more recent Constitutions of all the States, ample provision is made for the creation and maintenance of schools. Even universities are the object of popular zeal. Most of the Western Constitutions direct their establishment and support from public funds or land grants.

CHAPTER IV.

DIRECT LEGISLATION BY THE PEOPLE

The difficulties and defects inherent in the method of legislating by a Constitution are obvious enough. These inconveniencies are no doubt slighter in America than they would be in Europe, because the lawyers and the judges have had so much experience in dealing with constitutional and legislative questions that they now handle them with amazing dexterity.

In the United States the conception that the people (i.e., the citizens at large) are and ought of right to be the supreme legislators, has taken the form of legislation by enacting or amending a Constitution. Instead of, like the Swiss, submitting ordinary laws to the voters after they have passed the legislature, the Americans take subjects which belong to ordin-

ary legislation out the category of statutes, place them in the Constitution, and then handle them as parts of this fundamental instrument. They are not called laws; but laws they are to all intents and purposes, differing from statutes only in being enacted by an authority which is not a constant but an occasional body, called into action only when a convention or a legislature lays propositions before it.

We have seen that this system sprang from the fact that the Constitutions of the colonies having been given to them by an external authority superior to the colonial legislature, the people of each State, seeing that they could no longer obtain changes in their Constitution from Britain, assumed to themselves the right and duty of remodeling it; putting the collective citizendom of the State into the place of the British Crown as sovereign. The business of creating or remodeling an independent commonwealth was to their thinking too great a matter to be left to the ordinary organs of State life. This feeling, which had begun to grow from 1776 onward, was much strengthened by the manner in which the Federal Constitution was enacted in 1788 by State conventions. It seemed to have thus received a specially solemn ratification; and even the Federal legislature, which henceforth was the center of national politics, was placed far beneath the document which expressed the will of the people as a whole.

As the republic went on working out both in theory and in practice those conceptions of democracy and popular sovereignty which had been only vaguely apprehended when enunciated at the Revolution, the faith of the average man in himself became stronger, his love of equality greater, his desire, not only to rule, but to rule directly in his own proper person, more constant. Even in State affairs they made it an article of faith that no Constitution could be enacted

save by the direct vote of the citizens; and they inclined the citizens to seize such chances as occurred of making laws for themselves in their own way. Concurrently with the growth of these tendencies there had been a decline in the quality of the State legislatures, and of the legislation which they turned out. They were regarded with less respect; they inspired less confidence. Hence the people had the further excuse for superseding the legislature, that they might reasonably fear it would neglect or spoil the work they desired to see done. Instead of being stimulated by this distrust to mend their ways and recover their former powers, the State legislatures fell in with the tendency, and promoted their own supersession. The chief interest of their members is in the passing of special or local Acts, not of general public legislation. They welcome the direct intervention of the people as relieving them of embarrassing problems.

It is, however, chiefly in the form of an amendment to the Constitution that we find the American voters exercising direct legislative power. And this method comes very near to the Swiss referendum, because the amendment is first discussed and approved by the legislature, a majority greater than a simple majority being required in some States, and then goes before the citizens voting at the polls. Sometimes the State Constitution provides that a particular question shall be submitted by the legislature to the voters, thus creating a referendum for that particular case.

What are the practical advantages of this plan of direct legislation by the people? Its demerits are obvious. Besides those I have already stated, it tends to lower the authority and sense of responsibility in the legislature; and it refers matters needing much elucidation by debate to the determination

of those who cannot, on account of their numbers, meet together for discussion, and many of whom may have never thought about the matter. The Americans fall back on the popular vote as the best course available under the circumstances of the case, and in such a world as the present. They do not claim that it has any great educative effect on the people. But they remark with truth that the mass of the people are equal in intelligence and character to the average State legislator, and are exposed to fewer temptations. The citizens can and do reject proposals which the legislature has assented to. Nor should it be forgotten that in a country where law depends for its force on the consent of the governed, it is eminently desirable that law should not outrun popular sentiment, but have the whole weight of the people's deliverance behind it.

If the practice of recasting or amending State Constitutions were to grow common, one of the advantages of direct legislation by the people would disappear, for the sense of permanence would be gone, and the same mutability which is now possible in ordinary statutes would become possible in the provisions of the fundamental law. But this fault of small democracies, especially when ruled by primary assemblies, is unlikely to recur in large democracies, such as most States have now become, nor does it seem to be on the increase among them. Reference to the people, therefore, acts as a conservative force; that is to say, it is a conservative method as compared with action by the legislature.

This method of legislation by means of a Constitution or amendments thereto is now serviceable in a way which those who first used it did not contemplate, though they are well pleased with the result. It acts as a restrain not only on the vices and follies of legislators, but on the people themselves. It has

been well observed by Dr. von Holst that the completeness and consistency with which the principle of the direct sovereignty of the whole people is carried out in America has checked revolutionary tendencies, by pointing out a peaceful and legal method for the effecting of political or economical changes, and has fostered that disposition to respect the decision of the majority which is essential to the success of popular governments.

State Constitutions, considered as laws drafted by a convention and enacted by the people at large, are better both in form and substance than laws made by the legislature, because they are the work of abler men, acting under a special commission which imposes special responsibilities on them. The appointment of a Constitutional convention is an important event, which excites general interest in a State. Its functions are weighty and difficult, far transcending those of the regular legislature. Hence the best men in the State desire a seat in it, and, in particular, eminent lawyers become candidates, knowing how much it will affect the law they practice. It is therefore a body superior in composition to either the Senate or the House of a State. Its proceedings excite more interest; its debates are more instructive; its conclusions are more carefully weighed, because they cannot be readily reversed. Or if the work of altering the Constitution is carried out by a series of amendments, these are likely to be more fully considered by the legislature than ordinary statutes would be, and to be framed with more regard to clearness and precision.

In the interval between the settlement by the convention of its draft Constitution, or by the legislature of its draft amendments, and the putting of the matter to the vote of the people, there is copious discussion in the press and at public meetings, so that

the citizens often go well prepared to the polls. An all-pervading press does the work which speeches did in the ancient republics, and the fact that constitutions and amendments so submitted are frequently rejected, shows that the people, whether they act wisely or not, do not at any rate surrender themselves blindly to the judgment of a convention, or obediently adopt the proposals of a legislature.

A general survey of this branch of our inquiry leads to the conclusion that the peoples of the several States, in the exercise of this their highest function, show little of that haste, that recklessness, that love of change for the sake of change, with which European theorists, both ancient and modern, have been wont to credit democracy.

CHAPTER V.

STATE LEGISLATURES

The similarity of the frame of government in the forty-five republics which make up the United States is due to the common source whence the governments flow. They are all copies, some mediate of ancient English institutions, viz., chartered self-governing corporations, which, under the influence of English habits, and with the precedent of the English parliamentary system before their eyes, developed into governments resembling that of England in the eighteenth century.

When the thirteen colonies became sovereign States at the Revolution, they preserved this frame of government, substituting a governor chosen by the State for one appointed by the Crown. As the new States admitted to the Union after 1789 successively formed their Constitutions prior to their admission to the Union, each adopted the same scheme, its people imitating, as was natural, the

older commonwealths whence they came, and whose working they understood and admired.

We may sketch out a sort of genealogy of governments as follows:—

First. The English incorporated Company, a self-governing body, with its governor, deputy-governor, and assistants chosen by the freemen of the Company, and meeting in what is called the General Court or Assembly.

Second. The Colonial Government, which out of this Company evolves a governor, or executive head, and a legislature, consisting of representatives chosen by the citizens and meeting in one or two chambers.

Third. The State Government, which is nothing but the colonial government developed and somewhat democratized, with a governor chosen originally by the legislature, now always by the people at large, and now in all cases with a legislature of two chambers. From the original thirteen States this form has spread over the Union and prevails in every State.

Fourth. The Federal Government, modeled after the State Governments, with its President chosen, through electors, by the people, its two-chambered legislature, its judges named by the President.

Every State has—

An executive elective head, the governor.

A number of other administrative officers.

A legislature of two Houses.

A system of courts of justice.

Various subordinate local self-governing communities, counties, cities, townships, villages, school districts.

Neither the governor nor any other State official can sit in a State legislature. He cannot lead it. It cannot, except of course by passing statutes, restrain

him. There can, therefore, be no question of any government by ministers who link the executive to the legislature according to the system of the free countries of modern Europe and of the British colonies.

Of these several powers the legislature is by far the strongest and most prominent. An American State legislature always consists of two Houses, the smaller called the Senate, the larger usually called the House of Representatives. The origin of this very interesting feature is to be sought rather in history than in theory. It is due partly to the fact that in some colonies there had existed a small governor's council in addition to the popular representative body, partly to a natural disposition to imitate the mother country with its Lords and Commons, a disposition which manifested itself both in colonial days and when the revolting States were giving themselves new Constitutions, for up to 1776 some of the colonies had gone on with a legislature of one House only. Now, however, the need for two chambers has become an axiom of political science, being based on the belief that the innate tendency of an assembly to become hasty, tyrannical, and corrupt, needs to be checked by the co-existence of another House of equal authority. The Americans restrain their legislatures by dividing them, just as the Romans restrained their executive by substituting two consuls for one king. The only States that ever tried to do with a single House were Pennsylvania, Georgia, and Vermont, all of whom gave it up: the first after four years' experience, the second after twelve years, the last after fifty years.

Both Houses are chosen by popular vote, generally in equal electoral districts, and by the same voters, although in a few States there are minor variations

as to modes of choice. The number of the legislature varies greatly from State to State.

The following differences between the rules governing the two Houses are general:—

1. The senatorial electoral districts are always larger, usually twice or thrice as large as the House districts, and the number of senators is, of course, in the same proportion smaller than that of representatives.

2. A senator is usually chosen for a longer term than a representative. In a majority of the States he now sits for four years. The term of a representative is usually two years.

3. In most cases the Senate, instead of being elected all at once like the House, is only partially renewed, half its members going out when their terms have been completed, and a new half coming in. This gives it a sense of continuity which the House wants.

4. In some States the age at which a man is eligible for the Senate is fixed higher than that for the House of Representatives. Other restrictions on eligibility, such as the exclusion of salaried public officials (which exists everywhere), that of United States officials and members of Congress, and that of persons not resident in the electoral districts (frequent by law and practically universal by custom), apply to both Houses. In some States this last restriction goes so far that a member who ceases to reside in the district for which he was elected loses his seat ipso facto.

Nobody dreams of offering himself as a candidate for a place in which he does not reside, even in new States, where it might be thought that there had not been time for local feeling to spring up. Unfortunate results have followed from this, and have been aggravated by the tendency to narrow the election

areas, allotting one senator or representative to each district. The area of choice being smaller, inferior men are chosen; and in the case of districts which return one member, but are composed of several small towns, the practice has grown up of giving each town its turn, so that not even the leading man of the district, but the leading man of the particular small community whose turn has come round, is chosen to sit in the assembly.

Universal manhood suffrage, subject to certain disqualifications in respect of crime (including bribery) and of the receipt of poor law relief, which prevail in many States, is the rule in nearly all the States.[1] A property qualification was formerly required in many, but is no longer made in any of them. [Other special qualifications still exist in some States, but are usually of little practical consequence at the present day, except those which in certain Southern States have been recently introduced.—Ed.] Of course certain terms of residence within the United States, in the particular State, and in the voting districts, are also prescribed: these vary greatly from State to State, but are usually short.

The suffrage is generally the same for other purposes as for that of elections to the legislature, and is in most of the States confined to male inhabitants. In Colorado, Idaho, Utah, and Wyoming, women now have full suffrage. In some other States they are permitted to vote at school district and municipal elections.

By the Constitution of the United States, the right of suffrage in Federal or national elections (i.e., for presidential electors and members of Congress) is in each State that which the State confers on those who vote at the election of its more numerous House. Thus there might exist great differences between one State and another in the free bestowal of the Federal

franchise. That such differences are at present insignificant is due, partly to the prevalence of democratic theories of equality over the whole Union, partly to the provision of the fourteenth amendment to the Federal Constitution, which reduces the representation of a State in the Federal House of Representatives, and therewith also its weight in a presidential election, in proportion to the number of adult male citizens disqualified in that State. As a State desires to have its full weight in national politics, it has a strong motive for the widest possible enlargement of its Federal franchise, and this implies a corresponding width in its domestic franchise.

In all States the members of both Houses receive salaries, which in some cases are fixed at an annual sum, the average at present being about $500. More frequently, however, they are calculated at so much for every day during which the session lasts, the average under this method being about $5 per day, besides a small allowance, called mileage, for traveling expenses. The States which pay by the day are also those which limit the session. Some States secure themselves against prolonged sessions by providing that the daily pay shall diminish, or shall absolutely cease and determine, at the expiry of a certain number of days, hoping thereby to expedite business, and check inordinate zeal for legislation.

It was formerly usual for the legislature to meet annually, but the experience of bad legislation and over-legislation has led to fewer as well as shorter sittings; and sessions are now biennial in all States but six: viz., Georgia, Massachusetts, New Jersey, New York, and South Carolina, all of them old States.

There is, however, in nearly all States a power reserved to the governor to summon the Houses in extraordinary session should a pressing occasion arise. Bills may originate in either House, save that in

nearly half of the States money bills must originate in the House of Representatives. There is a reason for such a rule in Congress, the Federal Senate not being directly representative of equal numbers of citizens, which is not found in the State legislatures; it is in these last a mere survival of no present functional value. Money bills may, however, be amended or rejected by the State Senates like any other bills, just as the Federal Senate amends money bills brought up from the House.

In one point a State Senate enjoys a special power, obviously modeled on that of the English House of Lords and the Federal Senate. It sits as a court under oath for the trial of State officials impeached by the House. Like the Federal Senate, it has in many States the power of confirming or rejecting appointments to office made by the governor. When it considers these it is said to "go into executive session." The power is an important one in those States which allow the governor to nominate the higher judges.

In other respects the powers and procedure of the two Houses of a State legislature are identical; except that, whereas the lieutenant-governor of a State is generally ex officio president of the Senate, with a casting vote therein, the House always chooses its own Speaker. The legal quorum is usually fixed by the Constitution, at a majority of the whole number of members elected, though a smaller number may adjourn and compel the attendance of absent members. Both Houses do most of their work by committees, much after the fashion of Congress, and the committees are in both usually chosen by the Speaker (in the Senate by the President, though it is often provided that the House or Senate may on motion vary their composition). Both Houses sit with open doors, but in most States the Constitution empowers

them to exclude strangers when the business requires secrecy.

The State governor has of course no right to dissolve the legislature, nor even to adjourn it unless the Houses, while agreeing to adjourn, disagree as to the date. Such control as the legislature can exercise over the State officers by way of inquiry into their conduct is generally exercised by committees, and it is in committees that the form of bills is usually settled and their fate decided, just as in the Federal Congress. The proceedings are rarely reported. Sometimes when a committee takes evidence on an important question reporters are present, and the proceedings more resemble a public meeting than a legislative session. It need scarcely be added that neither House separately, nor both Houses acting together, can control an executive officer otherwise than either by passing a statute prescribing a certain course of action for him, which if it be in excess of their powers will be held unconstitutional and void, or by withholding the appropriations necessary to enable him to carry out the course of action he proposes to adopt. The latter method, where applicable, is the more effective, because it can be used by a bare majority of either House, whereas a bill passed by both Houses may be vetoed by the governor.

Here, therefore, as in the Federal Constitution, we find a useful safeguard against the unwisdom or misconduct of a legislature, and a method providing for escaping, in extreme cases, from those deadlocks which the system of checks and balances tends to occasion.

The restrictions imposed on the legislatures of the States by their respective Constitutions are numerous, elaborate, and instructive. They take two forms:—

I. Exclusions of a subject from legislative competence, i.e., prohibitions to the legislature to pass any law on certain enumerated subjects. The most important classes of prohibited statutes are:—

Statutes inconsistent with democratic principles, as, for example, granting titles of nobility, favoring one religious denomination, creating a property qualification for suffrage or office.

Statutes against public policy, e.g., tolerating lotteries, impairing the obligation of contracts, incorporating or permitting the incorporation of banks, or the holding by a State of bank stock.

Statutes special or local in their application, a very large and increasing category, the fullness and minuteness of which in many Constitutions show that the mischiefs arising from improvident or corrupt special legislation must have become alarming.

Statutes increasing the State debt beyond a certain limited amount, or permitting a local authority to increase its debt beyond a prescribed amount, the amount being usually fixed in proportion to the valuation of taxable property within the area administered by the local authority.

II. Restrictions on the procedure of the legislature, i.e., directions as to the particular forms to be observed and times to be allowed in passing bills, sometimes all bills, sometimes bills of a certain specified nature. Among these restrictions will be found provisions:—

As to the majorities necessary to pass certain bills. Sometimes a majority of the whole number of members elected to each House is required, or a majority exceeding a bare majority.

As to the method of taking the votes, e.g., by calling over the roll and recording the vote of each member.

As to allowing certain intervals to elapse between each reading of a measure, and for preventing the hurried passage of bills at the end of the session.

As to including in a bill only one subject, and expressing that subject in the title of the bill.

Against reenacting, or amending, or incorporating, any former Act by reference to its title merely, without setting out its contents.

Where statutes have been passed by a legislature upon a prohibited subject, or where the prescribed forms have been transgressed or omitted, the statute will be held void so far as inconsistent with the Constitution.

Debates in these bodies are seldom well reported, and sometimes not reported at all. One result is that the conduct of members escapes the scrutiny of their constituents; a better one that speeches are generally short and practical, the motive for rhetorical displays being absent. If a man does not make a reputation for oratory, he may for quick good sense and business habits. However, so much of the real work is done in committees that talent for intrigue or "management" usually counts for more than debating power.

CHAPTER VI.

THE STATE EXECUTIVE

The executive department in a State consists of a governor (in all the States), a lieutenant-governor (in thirty-two), and of various minor officials. The governor, who, under the earlier Constitutions of most of the original thirteen States, was chosen by

the legislature, is now always elected by the people, and by the same suffrage, practically universal, as the legislature. He is elected directly, not, as under the Federal Constitution, by a college of electors. His term of office is, in twenty States, four years; in one State (New Jersey), three years; in twenty-two States, two years; and in two States (Massachusetts and Rhode Island), one year. His salary varies from $10,000 in New York and Pennsylvania to $1,000 in Michigan. Some States limit his reeligibility.

The earlier Constitutions of the original States (except South Carolina) associated with the governor an executive council, but these councils have long since disappeared, except in Massachusetts, Maine, and North Carolina, and the governor remains in solitary glory the official head and representative of the majesty of the State. His powers are, however, in ordinary times more specious than solid, and only one of them is of great practical value. He is charged with the duty of seeing that the laws of the State are faithfully administered by all officials and the judgments of the courts carried out. He has, in nearly all States, the power of reprieving and pardoning offenders, but in some this does not extend to treason or to conviction on impeachment, and in some, other authorities are associated with him in the exercise of this prerogative. He is commander-in-chief of the armed forces of the State, can embody the militia, repel invasion, suppress insurrection.

He appoints some few officials, but seldom to high posts, and in many States his nominations require the approval of the State Senate. Patronage, in which the President of the United States finds one of his most desired and most disagreeable functions is, in the case of a State governor, of slight value, because the State offices are not numerous, and the

more important and lucrative ones are filled by the direct election of the people. He has the right of requiring information from the executive officials, and is usually bound to communicate to the legislature his views regarding the condition of the commonwealth. He may also recommend measures to them, but does not frame and present bills. In a few States he is directed to present estimates. His veto may be overridden by the legislatures in manner already indicated, but generally kills the measure, because if the bill is a bad one, it calls the attention of the people to the fact and frightens the legislature, whereas if the bill be an unobjectionable one, the governor's motive for vetoing it is probably a party motive, and the requisite overriding majority can seldom be secured in favor of a bill which either party dislikes. The use of his veto is, in ordinary times, a governor's most serious duty, and chiefly by his discharge of it is he judged.

Although much less sought after and prized than in "the days of the Fathers," when a State governor sometimes refused to yield precedence to the President of the United States, the governorship is still, particularly in New England and in New York and other great States, a post of some dignity, and affords an opportunity for the display of character and talents. During the Civil War, when each governor was responsible for enrolling, equipping, officering, and sending forward troops from his State, and when it rested with him to repress any attempts at disorder, much depended on his energy, popularity, and loyalty. In some States men still talk of the "war governors" of those days as heroes to whom the North owed deep gratitude. And since the Pennsylvanian riots of 1877, and those which have subsequently occurred in Cincinnati and Chicago, have shown that tumults may suddenly grow to serious

proportions, it has in many States become important to have a man of prompt decision and fearlessness in the office which issues orders to the State militia. In most States there is an elective lieutenant-governor who steps into the governor's place if it becomes vacant, and who is usually also ex officio President of the Senate, as the Vice-President of the United States is of the Federal Senate. Otherwise he is an insignificant personage, though sometimes a member of some of the executive boards.

The names and duties of the other officers vary from State to State. The most frequent are a secretary of state (in all States), a treasurer (in all), an attorney-general, a comptroller, an auditor, a superintendent of public instruction. In some States we find a State engineer, a surveyor, a superintendent of prisons, etc. It has already been observed that many States have also various bureaus and boards of commissioners. Most of these officials are in nearly all States elected by the people at the general State election. Sometimes, however, they, or some of them, are either chosen by the legislature, or, more rarely, appointed by the governor, whose nomination usually requires the confirmation of the Senate. Their salaries, which of course vary with the importance of the office and the parsimony of the State, seldom exceed $5,000 per annum and are usually smaller. So, too, the length of the term of office varies. It is often the same as that of the governor and with few exceptions does not exceed four years. Holding independently of the governor, and responsible neither to him nor to the legislature, but to the people, the State officials do not take generally his orders, and need not regard his advice. Each has his own department to administer, and as there is little or nothing political in the work, a general agreement in policy, such as must exist between

the Federal President and his ministers, is not required. Policy rests with the legislature, whose statutes, prescribing minutely the action to be taken by the officials, leave little room for executive discretion.

Of the subordinate civil service of a State there is little to be said. It is not large, for the sphere of administrative action which remains to the State between the Federal government on the one side, and the county, city, and township governments on the other, is not wide. It is ill-paid, for the State legislatures are parsimonious. It is seldom well manned, for able men have no inducement to enter it and the so-called "spoils system," which has been hitherto applied to State no less than to Federal offices, makes places the reward for political work, i.e., electioneering and wire-pulling. Efforts are now being made in some States to introduce reforms similar to those begun in the Federal administration, whereby certain walks of the civil service shall be kept out of politics, at least so far as to secure competent men against dismissal on party grounds. Such reforms would in no case apply to the higher officials chosen by the people, for they are always elected for short terms and on party lines.

Every State except Oregon provides for the impeachment of executive officers for grave offenses. In all save two the State House of Representatives is the impeaching body; and in all but Nebraska the State Senate sits as the tribunal, a two-thirds majority being generally required for a conviction. Impeachments are rare in practice.

There is also in many States a power of removing officials, sometimes by the vote of the legislature, sometimes by the governnor on the address of both Houses, or by the governor alone, or with the concurrence of the Senate. Such removals must of

course be made in respect of some offense, or for some other sufficient cause, not from caprice or party motives; and when the case does not seem to justify immediate removal, the governor is sometimes empowered to suspend the officer, pending an investigation of his conduct.

CHAPTER VII

THE STATE JUDICIARY

The judiciary in every State includes three sets of courts:—A supreme court or court of appeal; superior courts of records; local courts; but the particular names and relations of these several tribunals and the arrangements for criminal business vary greatly from State to State. As respects the distinction which Englishmen used to deem fundamental, that of courts of common law and courts of equity, there has been great diversity of practice. Most of the original thirteen colonies once possessed separate courts of chancery, and these were maintained for many years after the separation from England, and were imitated in a few of the earlier among the newer States, such as Michigan, Arkansas, Missouri. In some of the old States, however, the hostility to equity jurisdiction, which marked the popular party in England in the seventeenth century, had transmitted itself to America. Chancery courts were regarded with suspicion, because thought to be less bound by fixed rules, and therefore more liable to be abused by an ambitious or capricious judiciary. Massachusetts, for instance, would permit no such court, though she was eventually obliged to invest her ordinary judges with equitable powers, and to engraft a system of equity on her common law, while still keeping the two systems distinct. Pennsylvania held out still longer, but she also now administers

equity, as indeed every civilized State must do in substance, dispensing it, however, through the same judges as those who apply the common law, and having more or less worked it into the texture of the older system. Special chancery courts were abolished in New York, where they had flourished and enriched American jurisprudence by many admirable judgments, by the democratizing Constitution of 1846; and they now exist only in a few of the States, chiefly older Eastern or Southern States, which, in judicial matters, have shown themselves more conservative than their sisters in the West. In four States only (California, Idaho, New York and North Carolina) has there been a complete fusion of law and equity, although there are several others which have provided that the legislature shall abolish the distinction between the two kinds of procedure. Many States provide for the establishment of tribunals of arbitration and conciliation.

The jurisdiction of the State courts, both civil and criminal, is absolutely unlimited, i.e., there is no appeal from them to the Federal courts, except in certain cases specified by the Federal Constitution, being cases in which some point of Federal law arises. Certain classes of cases are, of course, reserved for the Federal courts, and in some the State courts enjoy a concurrent jurisdiction. All crimes, except such as are punishable under some Federal statute, are justifiable by a State court, and in most States there exist much wider facilities for setting aside the verdict of a jury finding a prisoner guilty, by raising all sorts of points of law, than are permitted by the law and practice of European countries.

Each State recognizes the judgments of the courts of a sister State, gives credit to its public acts and records, and delivers up to its justice any fugitive from its jurisdiction charged with a crime. Of

course, the courts of one State are not bound either by law or usage to follow the reported decisions of those of another State. They use such decisions merely for their own enlightenment, and as some evidence of the common law, just as they use the English law reports. Most of the States have within the last half century made sweeping changes, not only in their judicial system, but in the form of their law. They have revised and codified their statutes, a carefully corrected edition whereof is issued every few years. They have in many instances adopted codes of procedure, and in some cases have even enacted codes embodying the substance of the common law, and fusing it with the statutes. Such codes, however, have been condemned by the judgment of the abler and more learned part of the profession, as tending to confuse the law and make it more uncertain and less scientific. But with the masses of the people the proposal is popular, for it holds out a prospect of a system whose simplicity will enable the layman to understand the law, and render justice cheaper and more speedy. A really good code might have these happy effects. But it may be doubted whether the codifying States have taken the steps requisite to secure the goodness of the codes they enact. And codification increases the variations of the law between different States, and these variations may impede business and disturb the ordinary relations of life.

Important are the functions of the American Judiciary, the powers of a judge are limited by the State Constitutions in a manner surprising to Europeans. Usually he is not allowed to charge the jury on questions of fact, but only to state the law. He is sometimes required to put his charge in writing. His power committing for contempt of court is often restricted. Express rules forbid him to sit in causes

wherein he can have any family or pecuniary interest.

I come now to three points, which are not only important in themselves, but instructive as illustrating the currents of opinion which have influenced the people of the States. These are:—

The methods of appointing the judges.

Their tenure of office.

Their salaries.

In colonial days the superior judges were appointed by the governors, except in Rhode Island and Connecticut, where the legislature elected them. In the period between 1812 and 1860, when the tide of democracy was running strong, the function was in several of the older States taken from the governor or the legislature to be given to the people voting at the polls, and the same became the practice among the new States as they were successively admitted to the Union. At present we find that in more than two thirds of the States the judges are elected by the people. These include nearly all the Western and Southern States, besides New York, Pennsylvania and Ohio.

Originally, the superior judges were, in most States, like those of England since the Revolution of 1688, appointed for life, and held office during good behavior, i.e., were removable only when condemned on an impeachment, or when an address requesting their removal had been presented by both Houses of the legislature. A judge may now be removed upon such an address in thirty-six States, a majority of two thirds in each House being usually required. The salutary provision of the British Constitution against capricious removals has been faithfully adhered to. But the wave of democracy has in nearly all States swept away the old system of life-tenure. Only four now retain it. In the rest a judge is elec-

ted or appointed for a term, varying from two years in Vermont to twenty-one years in Pennsylvania. Eight to ten years is the average term prescribed; but a judge is always reeligible, and likely to be reelected if he be not too old, if he has given satisfaction to the bar, and if he has not offended the party which placed him on the bench.

The salaries paid to State judges of the higher courts range from $8,500 (chief-justice) in Pennsylvania and $10,000 in New York, to $2,000 in Oregon. The average is from $4,000 to $5,000, a sum which, especially in the greater States, fails to attract the best legal talent. Judges of the inferior courts usually receive salaries proportionately lower.

Any one of the three phenomena I have described —popular elections, short terms, and small salaries— would be sufficient to lower the character of the judiciary. Popular elections throw the choice into the hands of political parties, that is to say, of knots of wire-pullers inclined to use every office as a means of rewarding political services, and garrisoning with grateful partisans posts which may conceivably become of political importance. Short terms oblige the judge to remember and keep on good terms with those who have made him what he is, and in whose hands his fortunes lie. They induce timidity, they discourage independence. And small salaries prevent able men from offering themselves for places whose income is perhaps only one tenth of what a leading lawyer can make by private practice. Putting the three sources of mischief together, no one will be surprised to hear that in many of the American States the State judges are men of moderate abilities and scanty learning, inferior, and sometimes vastly inferior, to the best of the advocates who practice before them. It is an evil that the bench should

not be intellectually and socially at least on a level with the bar.

In most of the States where this system prevails the bench is respectable; and in some it is occasionally adorned by men of the highest eminence.

Why have sources of evil so grave failed to produce correspondingly grave results? Three reasons may be suggested:—

One is the co-existence in every State of the Federal tribunals, presided over by judges who are usually capable and always upright. Their presence helps to keep the State judges, however personally inferior, from losing the sense of responsibility and dignity which befits the judicial office, and makes even party wire-pullers ashamed of nominating as candidates notoriously incapable or tainted men.

Another is the influence of a public opinion which not only recognizes the interest the community has in an honest administration of the law, but recoils from turpitude in a highly placed official. The people act as a check upon the party conventions that choose candidates, by making them feel that they damage themselves and their cause if they run a man of doubtful character, and the judge himself is made to dread public opinion in the criticisms of a very unreticent press.

Last, there is the influence of the bar. Lawyers have not only a professional dislike to the entrusting of law to incapable hands, but they have a personal interest in getting fairly competent men before whom to plead. Hence the bar often contrives to make a party nomination for judicial office fall, not indeed on a leading lawyer, because a leading lawyer will not accept a place with $4,000 a year, when he can make vastly more by private practice, but on as competent a member of the party as can be got to take the post. Having constantly inquired, in eve

State I visited where the system of popular elections to judgeships prevails, how it happened that the judges were not worse, I was usually told that the bar had interposed to prevent such and such a bad nomination, or had agreed to recommend such and such a person as a candidate, and that the party had yielded to the wishes of the bar.

These causes, and especially the last, go far to nullify the malign effects of popular election and short terms. But they cannot equally nullify the effect of small salaries. Accordingly, while corruption and partiality are uncommon among State judges, inferiority to the practicing counsel is a conspicuous and frequent fault.

During recent years there has been a distinct change for the better. Some States which had vested the appointment of judges in the legislature, like Connecticut, or in the people, like Mississippi, have by recent constitutional amendments or new Constitutions, given it to the governor with the consent of the legislature or of one House thereof. Others have raised the salaries, or lengthened the terms of the judges, or, like New York, have introduced both these reforms. The American people, if sometimes bold in their experiments, have a fund of good sense which makes them watchful of results, and not unwilling to reconsider their former decisions.

CHAPTER VIII

STATE FINANCE

The financial systems in force in the several States furnish one of the widest and most instructive fields of study that the whole range of American institutions presents to a practical statesman, as well as to a student of comparative politics.

All I can here attempt is to touch on a few of the

more salient features of the topic. What I have to say falls under the heads of—

Purposes for which State revenue is required.
Forms of taxation.
Exemptions from taxation.
Methods of collecting taxes.
Limitations imposed on the power of taxing.
State indebtedness.
Restrictions imposed on the borrowing power.

I. The budget of a State is seldom large, in proportion to the wealth of its inhabitants, because the chief burden of administration is borne not by the State, but by its subdivisions, the counties, and still more the cities and townships. The chief expenses which a State undertakes in its corporate capacity are—(1) The salaries of its officials, executive and judicial, and the incidental expenses of judicial proceedings, such as payments to jurors and witnesses; (2) the State volunteer militia; (3) charitable and other public institutions, such as State lunatic asylums, State universities, agricultural colleges, etc.; (4) grants to schools; (5) State prisons, comparatively few, since the prison is usually supported by the county; (6) State buildings and public works, including, in a few cases, canals; (7) payment of interest on State debts. Of the whole revenue collected in each State under State taxing laws, a comparatively small part is taken by the State itself and applied to State purposes. In 1882 only seven States raised for State purposes a revenue exceeding $2,000,000. The State revenues are small when compared either with the population and wealth of the States, or with the revenue raised in them by local authorities for local purposes. They are also small in comparison with what is raised by indirect taxation for Federal purposes.

II. The Federal government raises its revenue by indirect taxation, and by duties of customs and excise, though it has the power of imposing direct taxes, and used that power freely during the Civil War. State revenue, on the other hand, arises almost wholly from direct taxation, since the Federal Constitution forbids the levying of import or export duties by a State, except with the consent of Congress, and directs the produce of any such duties as Congress may permit to be paid into the Federal treasury. The chief tax is in every State a property tax, based on a valuation of property, and generally of all property, real and personal, within the taxing jurisdiction.

The valuation is made by officials called appraisers or assessors, appointed by the local communities, though under general State laws. It is their duty to put a value on all taxable property; that is, speaking generally, on all property, real and personal, which they can discover or trace within the area of their authority. As the contribution to the revenues of the State or county, leviable within that area, is proportioned to the amount and value of taxable property owners, an obvious motive for valuing on a low scale, for by doing so they relieve their community of part of its burden. The State accordingly seeks to check and correct them by creating what is called a board of equalization, which compares and revises the valuations made by the various local officers, so as to secure that taxable property in each locality is equally and fairly valued, and made thereby to bear its due share of public burdens. Similarly a county has often an equalization board to supervise and adjust the valuations of the towns and cities within its limits. However, the existence of such boards by no means overcomes the difficulty of securing a really equal valuation, and the honest

town which puts its property at a fair value suffers by paying more than its share. Valuations are generally made at a figure much below the true worth of property. Indeed one hears everywhere in America complaints of inequalities arising from the varying scales on which valuers proceed.

A still more serious evil is that fact that so large a part of taxable property escapes taxation. Lands and houses cannot be concealed; cattle and furniture can be discovered by a zealous tax officer. But a great part, often far the largest part of a rich man's wealth, consists in what the Americans call "intangible property," notes, bonds, book debts, and Western mortgages. At this it is practically impossible to get, except through the declaration of the owner; and though the owner is required to present his declaration of taxable property upon oath, he is apt to omit this kind of property.

In every part of the country one hears this. The tax returns sent in are rarely truthful; and not only does a very large percentage of property escape its lawful burdens, but "the demoralization of the public conscience by the frequent administration of oaths, so often taken only to be disregarded, is an evil of the greatest magnitude. Almost any change would seem to be an improvement."

I have dwelt upon these facts, not only because they illustrate the difficulties inherent in a property tax, but also because they help to explain the occasional bitterness of feeling among the American farmers as well as the masses against capitalists, much of whose accumulated wealth escapes taxation, while the farmer who owns his land, as well as the workingman who put his savings, into the house he lives in, is assessed and taxed upon this visible property. We may, in fact, say of most States, that under the present system of taxation the larger the city

the smaller is the proportion of personalty reached by taxation (since concealment is easier in large communities), and the richer a man is the smaller in proportion to his property is the contribution he pays to the State. Add to this that the rich man bears less, in proportion to his income, of the burden of indirect taxation, since the protective tariff raises the price not merely of luxuries but of all commodities, except some kinds of food.

Besides the property tax, which is the main source of revenue, the States often levy taxes on particular trades or occupations, sometimes in the form of a license tax, taxes on franchises enjoyed by a corporation, taxes on railroad stock, or (in a few States) taxes on collateral inheritances. Comparatively little resort is had to the so-called "death-duties," i.e., probate, legacy, and succession duties, nor is much use made of an income tax. As regards poll taxes there is much variety of practice. Some States Constitutions forbid such an impost, as "grievous and oppressive"; others direct it to be imposed, and about one half do not mention it. The amount of a poll tax always small, $1 to $3; sometimes the payment of it is made a prerequisite to the exercise of the electoral franchise.

III. In most States certain descriptions of property are exempted from taxation, as, for instance, the buildings or other property of the State, or of any local community, burying grounds, schools and universities, educational, charitable, scientific, literary, or agricultural institutions or societies, public libraries, churches and other buildings or property used for religious purposes, cemeteries, household furniture, farming implements, deposits in savings banks. Often, too, it is provided that the owner of personal property below a certain figure shall not pay taxes on

it, and [redacted] a certain [redacted]

No State [redacted] other [redacted] the Federal [redacted] notes [redacted] held to be [redacted] constitution, [redacted] Congress. [redacted] culty into State [redacted] escape taxation [redacted] these exempted [redacted] tax returns.

IV. Some of the State [redacted] license taxes, or a [redacted] rectly levied by [redacted] others, and [redacted] forms so large a [redacted] the local [redacted] ed what income it needs, [redacted] the counties, or in New England, [redacted] among the towns, in [redacted] city, that is, to the value of the property situated within them. So, [redacted] not only what they have to pay to the State, but also the sum they have to raise for county purposes, among the cities and townships within their area, in proportion to the value of their taxable property. Thus, when the township or city authorities assess and collect taxes from the individual citizen, they collect at one and the same time three distinct sets of taxes, the State tax, the county tax, and the city or township tax. Retaining the latter for local purposes, they hand on the two former to the county authorities, who in turn retain the county tax, handing on to the State what it requires. Thus trouble and expense are saved in all the process of collecting,

[illegible]

[illegible]

[illegible] the States [illegible] of the [illegible] and the efforts [illegible], to reduce [illegible] in the future.

[illegible] rich and ample Western [illegible] the States of Ohio, [illegible] Missouri were being [illegible] and again fifty years ago, [illegible] was in the first fresh- [illegible] and was filling up [illegible] Mississippi at an increasingly [illegible] full of hope; and States, [illegible] than individual men, [illegible] into the work of develop- [illegible] which lay around them. The [illegible] communities, set to work [illegible] and canals and railways; they [illegible] stock in trading companies, they [illegible] banks, they embarked in, or [illegible] for, a hundred enterprises which [illegible] conduct or supervise. Some [illegible] lamentably, while in others the [illegible] were grasped by private speculators, and the [illegible] was left with the public body. State indebt- [illegible], which in 1825 (when there were twenty-four States) stood at an aggregate over the whole Union of $[illegible], had in 1842 reached $208,777,916, in [illegible] $[illegible].

The huge and increasing total startled the people, and some States repudiated their debts. Even after the growth of State debts had been checked, minor communities, towns, counties, but, above all, cities, trod in the same path, the old temptations recurring, and the risks seeming smaller because a municipality had a more direct and close interest than a State in seeing that its money or credit was well applied. Municipal indebtedness advanced, especially in the larger cities, at a dangerously swift rate.

VII. The disease spread till it terrified the patient, and a remedy was found in the insertion in the Constitutions of the States of provisions limiting the borrowing powers of State legislatures. Fortunately the evil had been preceived in time to enable the newest States to profit by the experience of their predecessors. For the last forty years, whenever a State has enacted a Constitution, it has inserted sections restricting the borrowing powers of States and local bodies, and often also providing for the discharge of existing liabilities. Not only is the passing of bills for raising a State loan surrounded with special safeguards, such as the requirement of a two-thirds majority in each House of the legislature; not only is there a prohibition ever to borrow money for, or even to undertake, internal improvements (a fertile source of jobbery and waste, as the experience of Congress shows); not only is there almost invariably a provision that whenever a debt is contracted the same Act shall create a sinking fund for paying it off within a few years, but in most Constitutions the total amount of the debt is limited, and limited to a sum beautifully small in proportion to the population and resources of the State.

In four fifths of the States, including all those with recent Constitutions, the legislature is forbidden to "give or lend the credit of the State in aid of any

person, association, or corporation, whether municipal or other, or to pledge the credit of the State in any manner whatsoever for the payment of the liabilities present or prospective of any individual association, muncipal, or other corporation," as also to take stock in a corporation, or otherwise embark in any gainful enterprise. Many Constitutions also forbid the assumption by the State of the debts of any individual or municipal corporation.

Many of the recent Constitutions limit, or direct the legislature to limit, the borrowing powers of counties, cities, or towns, sometimes even of incorporated school districts, to a sum not exceeding a certain percentage on the assessed value of the taxable property within the area in question. This percentage is usually five per cent. Sometimes also the amount of the tax leviable by a local authority in any year is restricted to a definite sum—for instance, to one half per cent. on the valuation. And in nearly all the States, the cities, counties, or other local incorporated authorities are forbidden to pledge their credit for, or undertake the liabilities of, or take stock in, or otherwise give aid to, any undertaking or company. Sometimes there is a direction that any municipality creating a debt must at the same time provide for its extinction by a sinking fund. Sometimes the restrictions imposed apply only to a particular class of undertakings—e.g., banks or railroads. The differences between State and State are endless; but everywhere the tendency is to make the protection against local indebtedness and municipal extravaganve more and more strict; nor will any one who knows these local authorities, and the temptations, both good and bad, to which they are exposed, complain of the strictness.

The provisions above described have had the effect of steadily reducing the amount of State and county

debts, although the wealth of the country makes rapid strides. This reduction is estimated to have been between 1870 and 1880 twenty-five per cent. in the case of State debts, and in that of county, town, and school district debts eight per cent. In cities, however, there was, within the same decade, not only no reduction, but an increase of over one hundred per cent., possibly as much as one hundred and thirty per cent.

This striking difference between the cities and the States may be explained in several ways. One is that cities cannot repudiate, while sovereign States can and do. Another may be found in the later introduction into State Constitutions of restrictions on the borrowing power of municipalities. But the chief cause is to be found in the conditions of the government of great cities, where the wealth of the community is largest, and is also most at the disposal of a multitude of ignorant voters. Several of the greatest cities lie in States which did not till recently, or have not even now, imposed adequate restrictions on the borrowing power of city councils.

CHAPTER IX

THE TERRITORIES

The three organized territories, Arizona, New Mexico, and Oklahoma, present an interesting form of autonomy or local self-government, differing from that which exists in the several States, and in some points more akin to that of the self-governing colonies of Great Britain. This form has in each territory been created by Federal statutes, beginning with the great Ordinance for the Government of the Territory of the United States northwest of the Ohio River, passed by the Congress of the Confederation in 1787. Since that year many territories have been

organized under different statutes and on different plans out of the western dominions of the United States, under the general power conferred upon Congress by the Federal Constitution. All of these but the three above-named territories have now become States. At first local legislative power was vested in the governor and the judges; it is now exercised by an elective legislature. The present organization of these three is in most respects identical; and in describing it I shall for the sake of brevity ignore minor differences.

The fundamental law of every territory, as of every State, is the Federal Constitution; but whereas every State has also its own popularly enacted State Constitution, the territories are regulated by any similar instruments, which for them are replaced by the Federal statutes passed by Congress establishing their government and prescribing its form. However, some territories have created a sort of rudimentary constitution for themselves by enacting a Bill of Rights.

In every territory, as in every State, the executive, legislative, and judicial departments are kept distinct. The executive consists of a governor, appointed for four years by the President of the United States, with the consent of the Senate, and removable by the President, together with a secretary, treasurer, auditor, attorney-general, and superintendent of public instruction. The governor commands the militia, and has a veto upon the acts of the legislature, which, however, may (except in Arizona) be overriden by a two-thirds majority in each House. He is responsible to the Federal government, and reports yearly to the President on the condition of the territory, often making his report a sort of prospectus in which the advantages which his dominions offer to intending immigrants are set

forth. He also sends a message to the legislature at the beginning of each session.

The legislature is composed of two Houses, a Council, and a House of Representatives elected by districts. Each House is elected by the voters of the territory for two years, and sits only once in that period. The session is limited (by Federal statutes) to sixty days, and the salary of a member is $4 per diem. The Houses work much like those in the States, doing the bulk of their business by standing committees, and frequently suspending their rules to run measures through with little or no debate. The electoral franchise is left to be fixed by territorial statute, but Federal statutes prescribe that every member shall be a resident in the district he represents. The sphere of legislation allowed to the legislature is wide, indeed practically as wide as that enjoyed by the legislature of a State, but subject to certain Federal restrictions. It is subject also to the still more important right of Congress to annul or modify by its own statutes any territorial act. In all these territories Congress may exercise without stint its power to override the statutes passed by a territorial legislature.

The judiciary consists of three or more judges of a Supreme Court, appointed for four years by the President, with the consent of the Senate (salary $3,000), together with a United States district attorney and a United States marshal. The law they administer is partly Federal, all Federal statutes being construed to take effect, where properly applicable, in the territories, partly local, created in each territory by its own statutes; and appeals, where the sum in dispute is above a certain value, go to the Supreme Federal Court. Although these courts are created by Congress in pursuance of its general sovereignty—they do not fall within the provisions of

the Constitution for a Federal judiciary—the territorial legislature is allowed to regulate their practice and procedure. The expenses of territorial governments are borne by the Federal Treasury.

The territories send neither senators nor representatives to Congress, nor do they take part in presidential elections. The House of Representatives, under a statute, admits a delegate from each of them to sit and speak, but of course not to vote, because the right of voting in Congress depends on the Federal Constitution. The position of a citizen in a territory is therefore a peculiar one. What may be called his private or passive citizenship is complete: he has all the immunities and benefits which any other American citizen enjoys. But the public or active side is wanting, so far as the national government is concerned, although complete for local purposes. It may seem inconsistent with principle that citizens should be taxed by a government in whose legislature they are not represented; but the practical objections to giving the full rights of States to these comparatively rude communities outweigh any such theoretical difficulties. It must, morever, be remembered that a territory, which may be called an inchoate or rudimentary State, looks forward to become a complete State. When its population becomes equal to that of an average congressional district, its claim to be admitted as a State is strong, and in the absence of specific objections will be granted. Congress, however, has absolute discretion in the matter, and often uses its discretion under party political motives. When Congress resolves to turn a territory into a State, it usually passes an Enabling Act, under which the inhabitants elect a constitutional convention, which frames a draft constitution; and when this has been submitted to and accepted by the voters of the territory, the act of

Congress takes effect; the territory is transformed into a State, and proceeds to send its senators and representatives to Congress in the usual way. The Enabling Act may prescribe conditions to be fulfilled by the State Constitution, but usually without narrowing the right which the citizens of the newly formed State will enjoy of subsequently modifying that instrument in any way not inconsistent with the provisions of the Federal Constitution.

These arrangements seem to work well. Self-government is practically enjoyed by the territories, despite the supreme authority of Congress, just as it is enjoyed by Canada and the Australian colonies of Great Britain, despite the legal right of the British Parliament to legislate for every part of the King's dominions. The want of a voice in Congress and presidential elections, and the fact that the governor is set over them by an external power, are not felt to be practical grievances, partly, of course, because these young communities are too small and too much absorbed in the work of developing the country to be keenly interested in national politics. Their local political life much resembles that of the newer Western States. Political parties have their regular organizations.

The District of Columbia is a tract of land set apart to contain the city of Washington, which is the seat of the Federal government. It is governed by three commissioners appointed by the President, and has no local legislature nor municipal government, the only legislative authority being Congress.

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